



Recap of Washington Legislative Session: Not For the Faint of Heart

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[Emma Mayberry](#) and [Anna Nelson](#)

With wide differences remaining between the Supplemental Budgets of the Republican Senate and the Democratic House, the Legislature concluded its regular session on March 10. Governor Inslee immediately called for a special session and vetoed 27 non-controversial bills, signing just ten measures. “None of these vetoed bills were as important as the fundamental responsibility of the Legislature to produce a balanced budget,” he said.

Though some had hoped for a special session lasting just a few days, many have settled in for what looks like a protracted negotiation. Despite the tension between the chambers, the Legislature actually passed nearly 150 bills. A few of the notable measures affecting land use and development include:

What Passed?

- **Public access for highway water crossings.** SB 6363 requires WSDOT to consider the feasibility of public access to navigable rivers or waterways for public recreation when considering environmental impacts in construction of state highway projects that cross a waterway.
- **Foreclosed property toward affordable housing.** SSB 6337 requires counties to allow cities the opportunity to purchase foreclosed property for the minimum bid, to be used toward affordable housing development.
- **Utility easement protection.** HB 2457 protects easements negotiated by a utility even in the case of tax foreclosure sales, thus protecting the easement when the tax lien is foreclosed. .
- **Permitting for WRIA in Wenatchee and the Peninsula.** ESSB 6513 compels the Department of Ecology to continue processing permitting applications for water rights in Water Resource Inventory Areas 18 (Elwha/Dungeness) and 45 (Wenatchee River Basin) after Ecology announced in 2014 that it would no longer issue such permits due to Ecology’s belief that such permits would not provide uninterrupted water rights.
- **Chehalis River Flood Management.** HB 2856 establishes the Office of Chehalis River Basin Flood Risk Reduction within the Department of Ecology, and also creating a Chehalis River Basin Flood Risk Reduction Account in the state treasury.
- **State land development financing.** HB 2842 authorizes the City of Pasco to designate a state land improvement finance area to encourage private development and increases in property values.
- **Water banking data.** SSB 6179 Requires the Department of Ecology to make publicly available certain data on water banking.

What Bills Died?

In the midst of a McCleary mandate, budget negotiations, a Department of Corrections investigation, and the Legislature’s “firing” of the head of WSDOT, the Legislature again failed to deal with several recurrent issues. Among them:

- **Vesting.** Despite a local leaders’ taskforce convened by Rep. Larry Springer (D-Kirkland), efforts to clarify the vested rights doctrine went nowhere this session.

- **Carbon emissions.** Bills limiting the state's ability to regulate greenhouse gases (GHGs), as well as bills requiring GHG credits, were shot down in the midst of a carbon rule from Ecology and the proposed Initiative 732 (see our [alert](#)). I-732 will now head to the November ballot.
- **GMA Review.** Bills to examine rail-dependent uses and economic development under the Growth Management Act, as well as to establish a taskforce to review the GMA itself, all died.
- **SEPA & Development.** Despite the successes of SB 6363 and HB 2842 (see above), several bills aimed at using SEPA to encourage development failed.
- **Dead twice.** Despite their re-emergence this session, bills on chemical action plans, updating the 2011 FWS wolf management plan, and more stringent rules on crude-by-rail transport did not pass.

For more information about the Washington State Legislature or other emerging policy issues, please contact [Emma Mayberry](#) in our Seattle office, or any member of our government relations practice.

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