

SENATE COMMITTEE SERVICES

**BILLS PASSED**

**DURING THE 2011 REGULAR LEGISLATIVE SESSION &  
1ST SPECIAL LEGISLATIVE SESSION  
2ND SPECIAL LEGISLATIVE SESSION**

**REPORT INCLUDES ALL GOVERNOR'S ACTION**

LISTED BY SENATE COMMITTEE



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March 14, 2012



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# AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

786-7411

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## **SSB 5072: AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO ACCEPT AND EXPEND GIFTS**

*Prime Sponsor: Senator Hatfield*

*(HB 1212 Representative Lytton)*

*\*Signed by the Governor*

- Provides authority for the Department of Agriculture to accept, expend, and retain gifts or contributions from public or private sources to carry out the purposes and programs of the department.

## **SB 5295: REGARDING LEASES OF IRRIGATION DISTRICT PROPERTY**

*Prime Sponsor: Senator Delvin*

*(HB 1392 Representative Klippert)*

*\*Signed by the Governor*

- The prior restriction that any leasing of property owned by irrigation districts may only be on a year-to-year basis is changed to allow the irrigation district board to determine the duration of the lease.
- This is in addition to the option of selling the property. Such sales or leases must be for not less than the reasonable market value of the property.

## **SSB 5359: CONCERNING CONTIGUOUS LAND UNDER CURRENT USE OPEN SPACE PROPERTY TAX PROGRAMS**

*Prime Sponsor: Senator Morton*

*\*Signed by the Governor*

- Contiguous parcels held by the same ownership may be combined to determine what size category and criteria apply to qualify for current use valuation as agricultural or forest land under the Open Spaces Taxation Act.
- To satisfy the same ownership requirement, the contiguous parcels may be owned by members of the same family, legal entities wholly owned by the members of the same family, or a combination of individuals and entities that are wholly owned by members of the same family.

## **SSB 5374: MAKING TECHNICAL, NONSUBSTANTIVE CHANGES TO VARIOUS SECTIONS OF THE REVISED CODE OF WASHINGTON THAT IMPACT THE DEPARTMENT OF AGRICULTURE**

*Prime Sponsor: Senator Becker*

*\*Signed by the Governor*

- Statutes administered by the state Department of Agriculture are revised to correct, change, or delete outdated and obsolete provisions, misspelled terms, and outmoded language. An intent section provides that no substantive changes are intended or implied.

## **SSB 5487: REGARDING EGGS AND EGG PRODUCTS IN INTRASTATE COMMERCE**

*Prime Sponsor: Senator Schoesler*

*(HB 1813 Representative Blake)*

*\*Signed by the Governor*

- Egg producing facilities in existence prior to January 1, 2012, must be operated in compliance with the standards in the 2010 version of the United Egg Producers guidelines (UEP).
- Egg production facilities built between January 1, 2012, and December 31, 2016, must be approved under or convertible to the standards established by the American Humane Association (AHA). After January 1, 2017, these new operations must be operated in compliance with the UEP and AHA standards, and each hen must be provided a minimum of 116.3 square inches of space.
- As of January 1, 2026, all facilities existing on January 1, 2012, and those built after that date, must be operated in compliance with the AHA standards, provide each hen with a minimum of 116.3 square inches of space, and access to areas for nesting, scratching, and perching.
- The Department of Agriculture may impose more stringent requirements by rule.

- These requirements apply to egg producing facilities with over 3000 hens.

### **SB 5492: CHANGING WASHINGTON BEER COMMISSION PROVISIONS**

*Prime Sponsor: Senator Schoesler*

*\*Signed by the Governor*

- Language providing that the Washington Beer Commission may assess and represent only state-licensed brewers producing less than 100,000 barrels annually per location is deleted, enabling the Commission to assess and represent all state-licensed beer brewers.

### **SB 5633: EXEMPTING AGRICULTURAL FAIR PREMIUMS FROM THE UNCLAIMED PROPERTY ACT**

*Prime Sponsor: Senator Pridemore*

*(HB 1757 Representative Haigh)*

*\*Signed by the Governor*

- Premiums paid by agricultural fairs by check are exempt from the Unclaimed Property Act, relieving fairs of the duty to hold obligations to pay the value of uncashed premium checks for three years and to then transfer the value of the checks to the state unclaimed property program. Uncashed premium checks thus become subject to the general rule under which checks outstanding for six months need not be honored.

### **ESSB 5748: REGARDING COTTAGE FOOD OPERATIONS**

*Prime Sponsor: Senator Rockefeller*

*\*Signed by the Governor*

- As an alternative to using approved commercial kitchens, persons may use their home kitchens to produce cottage foods which include baked goods, jams, jellies, preserves and fruit butters, and other non-potentially hazardous food identified by rule adopted by the Department of Agriculture.
- To produce cottage foods, a person is required to obtain a license and allow inspection of the kitchen in which the cottage foods will be produced. Licensing and inspection fees are specified.
- Cottage foods must comply with labeling requirements and may only be sold directly to the consumer. Annual sales under this license category are not to exceed \$15,000 per year.
- Sanitations and worker hygiene requirements are specified including requiring all workers to hold a food and beverage service worker permit, and not allowing children or pets in the home kitchen during preparation of any cottage food products.

### **SHB 1169: REGARDING NOXIOUS WEED LISTS**

*Prime Sponsor: Representative Haigh*

*(SB 5087 Senator Sheldon)*

*\*Signed by the Governor*

- The State Noxious Weed Control Board is directed to adopt rules on how plant species will be selected for inclusion on the state noxious weed list.
- These rules must include criteria for listing of species that have been previously rejected including scientific data on the invasive or noxious qualities and information about any economic benefits of the particular plant species.
- County noxious weed boards, and other branches of county or city government, are allowed to conduct education, outreach, or other assistance regarding plant species of concern to them but that have not been included on the state noxious weed list.

### **SHB 1538: REGARDING ANIMAL HEALTH INSPECTIONS**

*Prime Sponsor: Representative Buys*

*(SSB 5235 Senator Schoesler)*

*\*Signed by the Governor/partial veto*

- Authority is provided to the Washington State Department of Agriculture (WSDA) to determine when certificates of veterinary inspection, import health papers, permits, or other transportation documents must designate a destination with a physical address for animals entering the state and when those animals must be delivered directly to that location.
- Provides authority for WSDA to establish a fee of up to \$0.40 per head of cattle, for cattle sold, slaughtered, or transported out of state to be used to fund an animal disease traceability program, and creates the animal disease traceability advisory committee who serves without compensation.

- ~~An advisory committee composed of livestock industry representatives is created to work with the department to develop and implement the electronic animal disease traceability system. (PV)~~

## **ESHB 1886: IMPLEMENTING RECOMMENDATIONS OF THE RUCKELSHAUS CENTER PROCESS**

*Prime Sponsor: Representative Takko*

*(SSB 5713 Senator Haugen)*

*\*Signed by the Governor*

- Creates the Voluntary Stewardship Program to protect and enhance critical areas for lands used for agricultural activities through voluntary actions by agricultural operators.
- Establishes a statewide advisory committee composed of representatives from tribal, environmental, agricultural, and county governments to provide guidance on program administration.
- Provides an option to counties to protect and enhance critical areas through the Voluntary Stewardship Program as an alternative to protecting critical areas through development regulations under the Growth Management Act.
- Establishes a process by which counties may nominate a priority watershed. Establishes requirements for preparation and technical review of watershed work plans.

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# EARLY LEARNING & K-12 EDUCATION

786-7420

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## **SB 5093: REVISING EDUCATION PROVISIONS TO IMPLEMENT BUDGET REDUCTIONS**

*Prime Sponsor: Senator McAuliffe*

*(HB 1251 Representative Hunter)*

*\*SB 5093 is incorporated in part into HB 1412 as follows:*

- As the state transitions from a comprehensive mathematics assessment to two mathematics end-of-course (EOC) assessments as a high school graduation requirement, the graduating class of 2013 will only be required to meet the state standards on one EOC assessment rather than both.

## **SB 5174: ENCOURAGING INSTRUCTION IN THE HISTORY OF CIVIL RIGHTS**

*Prime Sponsor: Senator Chase*

*\*Signed by the Governor*

- School districts are encouraged to conduct a program commemorating the history of civil rights at least once a year.

## **SSB 5184: REGARDING COMPLIANCE REPORTS FOR SECOND-CLASS SCHOOL DISTRICTS**

*Prime Sponsor: Senator Schoesler*

*\*Signed by the Governor*

- Beginning September 1, 2011, second-class school districts may annually submit a condensed compliance report to the Superintendent of Public Instruction (SPI).
- School districts must continue to submit data required by federal or state law or for the purposes of program evaluation or accountability.
- The SPI must develop a form for a condensed compliance report by August 1, 2011. In order to determine whether districts have documentation to support the condensed compliance report, the SPI may conduct random audits.

## **SB 5227: REGARDING MATHEMATICS END-OF-COURSE ASSESSMENTS**

*Prime Sponsor: Senator McAuliffe*

*(HB 1412 Representative Santos)*

*\*SB 5227 is incorporated in part into HB 1412.*

## **SSB 5239: REQUIRING A DEFINITION OF "RESIDENT" FOR PURPOSES OF THE ALLOCATION METHOD USED TO DISTRIBUTE FEDERAL FOREST REVENUE TO SCHOOLS**

*Prime Sponsor: Senator Honeyford*

*(HB 1331 Representative Hunt)*

*\*Signed by the Governor*

- Federal forest funds' revenues are distributed to school districts based on their proportion of resident enrolled students, rather than all enrolled students, compared to the total number of students in the county.
- The Superintendent of Public Instruction is directed to define resident student for this purpose and, in doing so, address the impact of alternative learning experience students on federal funds distribution. This must be completed by September 1, 2011.

## **SB 5389: REGARDING MEMBERSHIP OF THE EARLY LEARNING ADVISORY COUNCIL**

*Prime Sponsor: Senator McAuliffe*

*(HB 1491 Representative Goodman)*

*\*Signed by the Governor*

- The membership of the Early Learning Advisory Council (ELAC), which advises the Department of Early Learning (DEL) on statewide early learning needs, is further specified. Under current law, ELAC consists of 23 members, seven of which the Governor must appoint as leaders in early education.

- The Governor must appoint four of the seven leaders in early education as follows: the Head Start State Collaboration Office director or director's designee; a representative of a Head Start, Early Head Start, Migrant/Seasonal Head Start, or Tribal Head Start program; a representative of a local education agency; and a representative of the state agency responsible for Part C of the federal Individuals with Disabilities Education Act, which deals with infants and toddlers.

**SSB 5392: INCLUDING TECHNOLOGY WITHIN BASIC EDUCATION GOAL 3**

*Prime Sponsor: Senator McAuliffe*

*\*Signed by the Governor*

- School districts must provide students with the opportunity to integrate technology literacy and fluency along with other experiences and knowledge to form reasoned judgments and solve problems.

**2SSB 5427: REGARDING AN ASSESSMENT OF STUDENTS IN STATE-FUNDED FULL-DAY KINDERGARTEN CLASSROOMS**

*Prime Sponsor: Senator McAuliffe*

*(2SHB 1510 Representative Kagi)*

*\*Signed by the Governor*

- On a voluntary basis, beginning in the 2011-12 school year, to the extent funds are available, schools receiving all-day kindergarten support can administer the Washington Kindergarten Inventory of Developing Skills (WaKIDS).
- Beginning in the 2012-13 school year, to the extent funds are available, kindergarten teachers must administer WaKIDS to all students enrolled in state-funded all-day kindergarten. Parents and guardians may excuse their students from participating in WaKIDS.
- Until full implementation of state-funded full-day kindergarten, the Superintendent of Public Instruction (SPI), in consultation with the Director of the Department of Early Learning (DEL), may grant annually renewable waivers in order to allow the administration of kindergarten assessments other than WaKIDS.
- Before implementing WaKIDS, SPI and DEL must ensure that a fairness and bias review of the assessment process has been conducted.

**ESSB 5919: REGARDING EDUCATION FUNDING**

*Prime Sponsor: Senator Murray*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Legislation enacted in 2009 and 2010 revised K-12 basic education funding formulas and established a schedule for phasing in an expanded definition of basic education, along with phased in funding enhancements for particular activities, including pupil transportation. The new funding formula for pupil transportation will go into effect September 1, 2011. Amendments are made to the formula based on analysis that was done during planning for implementation of the new formula.
- Amends the transitional bilingual funding formula so the actual per-student allocation may be scaled for a larger allocation for students needing more intensive intervention and a smaller allocation for those needing less intensive intervention, with the intent of maintaining the overall program funding level.
- Provides that the Office of Superintendent of Public Instruction is responsible for staffing Career & Technical Education student organizations only to the extent that funds are available, and sets the expiration date of the special services pilot program for March 1, 2011, instead of June 30, 2011.
- Clarifies that required increases to the number of instructional hours and the minimum number of credits for high school graduation will be increased no sooner than the 2014-15 school year.
- ~~The requirement that students pass the statewide assessment in science to graduate from high school is changed from beginning with the graduating class of 2013 to beginning with the graduating class of 2015.~~  
(PV)

**2SHB 1163: CREATING A WORK GROUP ON PREVENTING BULLYING, INTIMIDATION, AND HARASSMENT AND INCREASING STUDENT KNOWLEDGE ON MENTAL HEALTH AND YOUTH SUICIDE**

*Prime Sponsor: Representative Liias*

*\*Signed by the Governor*

- The Office of Superintendent of Public Instruction and the Office of the Education Ombudsman are required to establish a workgroup until January 1, 2016, regarding prevention of bullying, intimidation, and harassment in public schools, and the workgroup must submit a biennial report.
- The State Board for Community and Technical Colleges and the Higher Education Coordinating Board are directed to compile and analyze bullying and harassment prevention policies at colleges and universities and to submit a report by December 1, 2011.

**ESHB 1410: REGARDING SCIENCE END-OF-COURSE ASSESSMENTS**

*Prime Sponsor: Representative Santos*

*(SB 5226 Senator McAuliffe)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- It is declared that the Legislature continues to support end-of-course (EOCs) to measure science skills and does not want to narrow to only a Biology end-of-course assessment. In the future the Legislature intends to revisit this issue and at the appropriate time to direct the Superintendent of Public Instruction (SPI) to develop one or more EOCs in additional science subjects.
- Beginning in 2011-12 the statewide administered science assessment will be the Biology EOC. SPI may develop additional science EOCs when directed by the Legislature.
- The science components of the ACT, SAT and AP assessments can be used as an alternative to the statewide Biology EOC for the purposes of graduation.
- SPI may participate in the development of the science common core standards and assessments. SPI with the State Board of Education may modify the Essential Academic Learning Requirements in science and the science assessments with the common core standards as long as the legislative education committees have opportunities for review before the modifications are adopted.

*\*ESSB 5919 is incorporated in part into ESHB 1410 as follows:*

- The requirement to pass the statewide science assessment for high school graduation will begin with the graduating class of 2015 instead of the graduating class of 2013.

**HB 1412: REGARDING MATHEMATICS END-OF-COURSE ASSESSMENTS**

*Prime Sponsor: Representative Santos*

*(SB 5227 Senator McAuliffe)*

*\*Signed by the Governor*

- As the state transitions from a comprehensive mathematics assessment to two mathematics end-of-course (EOC) assessments as a high school graduation requirement, the graduating classes of 2013 and 2014 will only be required to meet the state standards on one EOC assessment rather than both.
- Beginning with the class of 2015, students will have to meet the state standard on both mathematics EOC assessments to graduate from high school.

*\*SSB 5093 is incorporated in part into HB 1412.*

**SHB 1431: ADDRESSING FINANCIAL INSOLVENCY OF SCHOOL DISTRICTS**

*Prime Sponsor: Representative Anderson*

*\*Signed by the Governor*

- Requires the Superintendent of Public Instruction (SPI) to convene the Educational Service Districts to analyze options for a clear legal framework and process for dissolution of a school district for financial reasons. SPI is required to submit a final report and recommendations by January 5, 2012.
- The act is null and void if specific funding is not provided in the budget.

## **2SHB 1519: REGARDING SCHOOL ASSESSMENTS FOR STUDENTS WITH COGNITIVE DISABILITIES**

*Prime Sponsor: Representative Hope*

*\*Signed by the Governor*

- The Office of the Superintendent of Public Instruction (OSPI) must continue to work with teachers and special education programs in the development and implementation of a process to transition from the current portfolio assessment to a performance task-based system for students with significant cognitive challenges.
- In the meantime and within existing resources, the OSPI must coordinate efforts to ease some of the difficulties with the current portfolio assessment prior to the implementation of the new performance task-based system

## **HB 1521: RECOGNIZING WASHINGTON INNOVATION SCHOOLS**

*Prime Sponsor: Representative Maxwell*

*(SSB 5726 Senator Harper)*

*\*Signed by the Governor*

- The Office of the Superintendent of Public Instruction (OSPI) must develop criteria and a process to identify and award the designation of "Washington Innovation School".
- Within available funds, OSPI must create a logo, certificate, and other recognition strategies to encourage and highlight the accomplishments of innovation schools.
- OSPI must initiate and publicize a website that links to the websites of the Innovation Schools and also to research literature and best practices.

## **SHB 1524: RECOGNIZING THE INTERNATIONAL BACCALAUREATE DIPLOMA**

*Prime Sponsor: Representative Orwall*

*\*Signed by the Governor*

- Students who successfully pass all the required International Baccalaureate (IB) diploma courses, projects, and assessments are deemed to have satisfied the state minimum requirements for high school graduation, except that students must still:
  - meet the state standard on the statewide assessments; and
  - study the U.S. and Washington Constitutions (however, the Office of Superintendent of Public Instruction may adopt a rule allowing the students to meet the study requirement as a noncredit course.)
- School districts are encouraged to waive any additional local graduation requirements for IB diploma students.

## **E2SHB 1546: AUTHORIZING CREATION OF INNOVATION SCHOOLS AND INNOVATION ZONES FOCUSING ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS IN SCHOOL DISTRICTS**

*Prime Sponsor: Representative Hargrove*

*(SB 5792 Senator Ericksen)*

*\*Signed by the Governor*

- A process is created for the Office of Superintendent of Public Instruction (OSPI) to designate a school as an Innovation School or a group of schools to be designated as an Innovation Zone.
- These schools will be able to get waivers from specified state statutes, and administrative rules to implement their innovations.
- A majority of the schools recommended by Educational Service Districts (ESDs) to receive the designation must have a focus on the arts, science, technology, engineering, and mathematics (A-STEM). The ESDs may recommend no fewer than two-thirds A-STEM-focused schools for the designation, except the ESD that recommends up to 10 plans must recommend no fewer than half A-STEM schools for the designation.

## **HB 1594: CONCERNING THE MEMBERSHIP AND WORK OF THE FINANCIAL EDUCATION PUBLIC-PRIVATE PARTNERSHIP**

*Prime Sponsor: Representative Santos*

*\*Signed by the Governor*

- The members of the Financial Education Public-Private Partnership are appointed for a two-year term of service. Terms of service are staggered so that half of the members within each category are appointed for a

one-year term, and then a two-year term thereafter. Appointments under these provisions must be made by August 1, 2011.

- School districts are encouraged to voluntarily adopt the JumpStart Coalition National Standards in K-12 Personal Finance Education and provide students an opportunity to master them.

## **E2SHB 1599: ESTABLISHING THE PAY FOR ACTUAL STUDENT SUCCESS DROPOUT PREVENTION PROGRAM**

*Prime Sponsor: Representative Probst*

*\*Signed by the Governor*

- The Pay for Actual Student Success Program (PASS) is created, subject to funds appropriated, to (1) invest in four proven dropout prevention and intervention programs and (2) provide an annual financial award for high schools that demonstrate improvement in dropout prevention indicators, beginning in the 2011-12 school year. Award funds may be used for dropout prevention activities. Ninety percent of the award is allocated to the high school and 10 percent to the school district.
- The Office of the Superintendent of Public Instruction, in consultation with the State Board of Education, must annually calculate four specific dropout prevention indicators and develop a metric for measuring performance that results in a dropout prevention score.
- A High School Completion Account (Account) is created to receive legislative appropriations, federal funds, gifts, or grants. Expenditures from the Account are to be used only for investments in the specified prevention programs and to make PASS awards.

## **SHB 1600: CONCERNING ELEMENTARY MATH SPECIALISTS**

*Prime Sponsor: Representative Probst*

*\*Signed by the Governor*

- The Professional Educator Standards Board is encouraged to develop and adopt standards for a specialty endorsement for elementary mathematics.
- School districts are encouraged to use specialists for direct instruction of students using an itinerant teacher model in which the specialist moves from classroom to classroom within the school.
- School districts may work with local colleges and universities, educator preparation programs, and educational service districts to develop and offer training and professional development opportunities in the knowledge and skills necessary for a teacher to be considered a specialist.

## **SHB 1710: CREATING A STRATEGIC PLAN FOR CAREER AND TECHNICAL EDUCATION**

*Prime Sponsor: Representative Moscoso*

*\*Signed by the Governor*

- The Office of Superintendent of Public Instruction must convene a working group to examine specific issues and develop a statewide strategic plan for secondary career and technical education.
- The working group will have at least 17 specified members.
- A progress report is due by December 1, 2011, and the final plan by December 1, 2012.

## **E2SHB 1808: CREATING THE LAUNCH YEAR PROGRAM**

*Prime Sponsor: Representative Lytton*

*(2SSB 5616 Senator Tom)*

*\*Signed by the Governor*

- Within existing resources, all public high schools in Washington must work toward the goal of offering a sufficient number of high school courses to give students the opportunity to earn the equivalent of a year's worth of postsecondary credits. High schools must inform students and their families about opportunities to earn postsecondary credit during their twelfth grade year.
- By December 1, 2011, institutions of higher education must develop a master list of postsecondary courses that can be fulfilled by taking recognized college-level proficiency exams and meeting the qualifying exam score or demonstrated competencies. To the maximum extent possible, the institutions must agree on exam qualifying scores and demonstrated competencies.

- The Higher Education Coordinating Board must annually publish on its website the agreed-upon list of high school courses qualifying for postsecondary credit and the exam qualifying scores and demonstrated competences meeting postsecondary requirements.

**SHB 1829: CREATING AN OFFICE OF NATIVE EDUCATION WITHIN THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

*Prime Sponsor: Representative Billig*

*(SSB 5687 Senator Harper)*

*\*Signed by the Governor*

- An Indian Education Division, to be known as the Office of Native Education (Office), is created within the Office of Superintendent of Public Instruction.
- The Superintendent of Public Instruction is required to appoint an individual to be responsible for the oversight and activities of the Office.
- Various duties and responsibilities of the Office are provided.

**ESHB 2115: CONCERNING LEGISLATIVE REVIEW OF PERFORMANCE STANDARDS FOR THE STATEWIDE STUDENT ASSESSMENT**

*Prime Sponsor: Representative Haigh*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Instead of the current law of requiring the initial performance standards, (which are the minimum scores a student must achieve to meet the state standard on the high school statewide assessments), established by the State Board of Education (SBE) to be presented to the legislative education committees by November of the year they take effect, the Legislature must be advised of the initial performance standards.
- The SBE must provide an explanation of the performance standards when they are established; and if changes are made, the Office of the Superintendent of Public Instruction must recalculate the results from that assessment for the previous ten years and post a comparison of the results on the agency website.

**EHB 2159: REGARDING GRANT OPPORTUNITIES FOR STEM CAREER COURSES**

*Prime Sponsor: Representative Maxwell*

*(SB 5975 Senator McAuliffe)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- Allocates grants to high schools and skills centers to create three different STEM (science, technology, engineering, and math) programs: (1) an aerospace assemblers program; (2) an enhanced manufacturing skills program; and (3) a program that will offer specialized courses in STEM careers.
- The one-time grants may be used to purchase course curriculum or equipment and support professional development for course teachers.
- The grant process is competitive, and the Office of Superintendent of Public Instruction selects recipients based on several criteria.

**HB 2160: REGARDING REVISED STANDARDS AND ASSESSMENTS FOR TEACHER CERTIFICATION INTEGRATING STEM KNOWLEDGE AND SKILLS**

*Prime Sponsor: Representative Maxwell*

*(SB 5973 Senator Eide)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- Requires the Professional Educator Standards Board (PESB) to revise standards for teacher endorsement in elementary education; middle and secondary math and science; and other STEM (science, technology, engineering, and math) subjects.
- Requires PESB to revise assessments for prospective teachers and teachers adding subject-area endorsements, to measure the revised teacher certification standards.

Requires PESB to revise teacher certificate renewal rules to include a specific focus on the integration of STEM subjects for teachers at the elementary and secondary levels in STEM-related subjects.

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# ECONOMIC DEVELOPMENT, TRADE & INNOVATION

786-7409

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## **2SSB 5034: CONCERNING PRIVATE INFRASTRUCTURE DEVELOPMENT**

*Prime Sponsor: Senator Kilmer*

*\*Signed by the Governor*

- Expands the jurisdiction of the Utilities and Transportation Commission (UTC) by requiring certain wastewater companies to comply with the UTC's regulations. Requires wastewater companies subject to regulation by the UTC to obtain a certificate and file a bond or surety prior to providing sewerage services for compensation. Modifies general laws applicable to UTC-regulated utilities to make them applicable to wastewater companies.
- Creates provisions to address an expansion or transfer of a sewerage system or a transfer of a wastewater company.
- Permits the UTC to begin rulemaking to implement the requirements of the bill, including rules to implement a regulatory fee on wastewater companies.

## **SSB 5157: CONCERNING THE OPERATION OF FOREIGN TRADE ZONES ON PROPERTY ADJACENT TO BUT OUTSIDE A PORT DISTRICT**

*Prime Sponsor: Senator Murray*

*\*Signed by the Governor*

- Subject to the approval of the United States, a port district is authorized to establish, operate, and maintain a Foreign Trade Zone (FTZ) within its district and on property adjacent to but outside its district, if the property is beyond the boundaries of any other FTZ grantee and it is not currently designated as a FTZ.

## **SSB 5318: CONCERNING THE OFFICE OF REGULATORY ASSISTANCE**

*Prime Sponsor: Senator Eide*

*(HB 1178 Representative Appleton)*

*\*SSB 5318 is incorporated in its entirety into HB 1178.*

## **SB 5361: CONCERNING THE OBLIGATIONS OF ASSOCIATE DEVELOPMENT ORGANIZATIONS AND THE DEPARTMENT OF COMMERCE**

*Prime Sponsor: Senator Chase*

*\*SB 5361 is incorporated in its entirety into HB 1916.*

## **SB 5367: AUTHORIZING THE ECONOMIC DEVELOPMENT FINANCE AUTHORITY TO CONTINUE ISSUING BONDS**

*Prime Sponsor: Senator Kastama*

*\*Signed by the Governor*

- The limitation on the Washington Economic Development Finance Authority's outstanding debt, currently set at \$1 billion, is increased to \$1.5 billion.

## **SB 5500: CONCERNING THE RULE-MAKING PROCESS FOR STATE ECONOMIC POLICY**

*Prime Sponsor: Senator Baumgartner*

*\*Signed by the Governor*

- Agencies with rule-making authority have to consider economic impacts in the rule-making process.
- Agencies must consider specified methods to reduce the impact of a proposed rule on small businesses, including those suggested by small businesses or small business advocates.
- When a small business economic impact statement is required on a rule, agencies must provide notice of the rule directly to known interested small businesses, through publications likely to be obtained by affected small businesses, and via posting on the agency website.

## **SB 5731: CONCERNING WASHINGTON MANUFACTURING SERVICES**

*Prime Sponsor: Senator Chase*

*\*Signed by the Governor*

- Provides that Washington Manufacturing Services may be known as Impact Washington and requires that between 35 and 65 percent of its state funding be used to provide assistance to industry or cluster associations, networks, or consortia.
- Directs Impact Washington to collaborate with industry sector and cluster associations to inform import-impacted manufacturers about Trade Adjustment Assistance funding.

## **SSB 5741: CONCERNING THE ECONOMIC DEVELOPMENT COMMISSION**

*Prime Sponsor: Senator Kastama*

*(HB 1884 Representative Kenney)*

*\*Signed by the Governor*

- Clarifies the intent, purpose, duties, and authorities of the Washington Economic Development Commission (Commission). Membership in the Commission is increased from 18 to 24.
- The Executive Director is to hire a research manager to carry out the Commission's data collection, database, and evaluation functions. The Executive Director is to develop an annual budget and work plan and report solely to the Governor and the Commission regarding Commission operations.
- The Commission may accept and spend gifts, grants, and contributions from public or private sources.
- A Commission account is created in the state treasury. Monies in the account may be spent only after appropriation, and only for purposes related to carrying out the mission, roles, and responsibilities of the Commission.

## **2ESB 5764: CREATING INNOVATE WASHINGTON**

*Prime Sponsor: Senator Kastama*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Creates Innovate Washington as (1) the successor agency to the Washington Technology Center and the Spokane Intercollegiate Research and Technology Institute, and (2) the primary state agency responding to the technology transfer needs of existing businesses in the state and growing the innovation-based economic sectors. Innovate Washington is to be the lead state entity for coordinating clean energy initiatives.
- Requires Innovate Washington to develop a five-year business plan including a plan for operating additional facilities; methods for working with community and technical colleges; outreach to Innovation Partnership Zones; and a clean energy component.
- Outlines a range of programmatic activities of Innovate Washington including administration of technology and innovation grant and loan programs and operation of a small business innovation assistance program to help in the procurement of awards from federal small business research programs.
- ~~Requires the Joint Legislative Audit and Review Committee to (1) review the performance of Innovate Washington regarding the effectiveness of Innovate Washington programs, and (2) make recommendations to the appropriate policy and fiscal committees of the Legislature by December 1, 2015. (PV)~~

## **HB 1178: ADDRESSING THE OFFICE OF REGULATORY ASSISTANCE**

*Prime Sponsor: Representative Appleton*

*(SSB 5318 Senator Eide)*

*\*Signed by the Governor*

*\*SSB 5318 is incorporated in its entirety into HB 1178.*

- The termination date for the Office of Regulatory Assistance (ORA) is repealed.
- The duty of reporting the effects of rulemaking on the regulatory system to the Governor and the Legislature are transferred from the Office of Financial Management to the ORA.
- ORA must report on services, programs, processes, tools, trends, and changes needed to make processes effective.

## **HB 1770: ENHANCING SMALL BUSINESS PARTICIPATION IN STATE PURCHASING**

*Prime Sponsor: Representative Hasegawa*

*\*Signed by the Governor/partial veto*

- The Department of General Administration (GA) is required to develop a model plan for state agencies to increase (1) the number of small businesses registering in the state's common vendor registration and bid notification system; (2) the number of such registered small businesses annually receiving state contracts for goods and services purchased by the state; and (3) the percentage of total state dollars spent for goods and services purchased from such registered small businesses.
- State purchasing agencies must give technical assistance to small businesses which include answering vender questions about the bid solicitation requirements in advance of the bid due date and, if requested, holding a briefing to assist the vender in understanding how to improve his or her responses for future procurements.
- State purchasing agencies must maintain records of awarded contracts to registered small businesses in order to track outcomes regarding the effects of the technical assistance.
- Subject to appropriated funds in 2012, by November 15, 2013, and November 15 every two years thereafter, state purchasing agencies must submit a report regarding the effects the technical assistance is having on the number of small businesses annually receiving state contracts for goods and services.
- Subject to appropriated funds in 2012, GA, in consultation with the Department of Information Services, the Department of Transportation, and the Department of Commerce, is required to develop and implement a web-based information system in order to track the effects the technical assistance is having on the number of small businesses annually receiving state contracts for goods and services. The web-based information system must be made available to all state purchasing agencies by December 31, 2013.
- The minimum threshold dollar amounts for informal procurements that must be placed on the state's online bid notification system are increased to allow in state small businesses to compete for the smaller dollar amount contracts.
- The threshold dollar amounts for informal procurements that must be placed on the state's online bid notification system by GA remain unchanged and are defined under RCWs 43.19.1906 and 43.19.1908. (PV)

**HB 1916: CONCERNING BUSINESS SERVICES DELIVERED BY ASSOCIATE DEVELOPMENT ORGANIZATIONS**

*Prime Sponsor: Representative Ryu*

*\*SB 5361 is incorporated in its entirety into HB 1916.*

*\*Signed by the Governor*

- Requires the Department of Commerce (Department) to develop business recruitment and retention protocols that Department staff and Associate Development Organizations (ADOs) will follow.
- Directs the Department to provide export assistance training to ADOs and requires ADOs to provide or facilitate the provision of export assistance to businesses.
- Requires ADOs to work throughout their counties.
- Requires additional reporting for any ADO with a county population greater than 1.5 million (King County) related to services to small businesses, and services to businesses outside the largest city in the county.

**HB 1937: AUTHORIZING LOCAL IMPROVEMENT DISTRICT FUNDING TO BENEFIT INNOVATION PARTNERSHIP ZONES FOR THE PURPOSES OF ECONOMIC DEVELOPMENT**

*Prime Sponsor: Representative Ryu*

*(SB 5403 Senator Chase)*

*\*Signed by the Governor*

- The use of Local Improvement District (LID) funding is expanded. Local governments may use LID funding to construct and maintain research laboratories, testing facilities, incubation facilities, and training centers that are built in Innovation Partnership Zone designated areas.

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# ENVIRONMENT, WATER & ENERGY

786-7406

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## **SB 5241:      MODIFYING THE AUTHORITY OF A WATERSHED MANAGEMENT PARTNERSHIP**

*Prime Sponsor: Senator Roach*

*(HB 1014 Representative Goodman)*

*\*Signed by the Governor*

- Repeals the requirement that a watershed management partnership enter into an interlocal agreement with a city to allow eminent domain within that city if the city is not a member of the partnership and has water or sewer service areas within one-half mile of Lake Tapps or within five miles upstream from Lake Tapps along the White River.
- Eliminates the process for a city located within this area to file and resolve a claim that the partnership's Lake Tapps water supply operations have a negative impact on the city's water supplies.

## **SSB 5350:      CONCERNING THE UNLAWFUL DUMPING OF SOLID WASTE**

*Prime Sponsor: Senator Honeyford*

*\*Signed by the Governor*

- The enforcing authority must take reasonable action to determine and identify the person responsible for illegal dumping before requiring the property owner to clean up the site.
- Local health jurisdictions receiving clean up restitution payment from a person found to have littered must reserve half of the payment to assist property owners with cleanup when the person responsible for illegal dumping cannot be determined.
- A landowner who gave written permission authorizing littering is not entitled to any clean up restitution payment, in which case the entire restitution payment must be provided to the local health jurisdiction investigating the incident.

## **SSB 5364:      CONCERNING PUBLIC WATER SYSTEM OPERATING PERMITS**

*Prime Sponsor: Senator Swecker*

*(HB 1468 Representative Jenkins)*

*\*Signed by the Governor*

- The Department of Health (DOH) must adopt rules establishing categories of annual operating permit fees based on system size, complexity, and number of service connections.
- Fees charged must be sufficient to cover, but may not exceed, the costs to DOH of administering a program for safe and reliable drinking water.
- DOH may phase in the implementation of the annual fee for any group of systems provided the schedule for implementation is established by rule.

## **ESSB 5485:      MAXIMIZING THE USE OF OUR STATE'S NATURAL RESOURCES**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- The University of Washington (UW) and Washington State University (WSU) must review other states' building codes, international standards, and peer reviewed research of life-cycle assessment, embodied energy, and embodied carbon in building materials.
- The UW and WSU must provide a report to the Legislature with recommendations for methodologies to determine if a tool using life-cycle assessment can be developed and incorporated into the state building code; develop a comprehensive guideline for embodied energy, carbon, and life-cycle accounting of building materials; and incorporate ongoing monitoring, verification, and reporting of the actual performance of high-performance buildings.
- The Department of General Administration must make recommendations for streamlining statutory requirements for life-cycle cost analysis, energy conservation in design, and high performance of public buildings.

**SB 5526: CONCERNING INCENTIVES FOR STIRLING CONVERTERS**

*Prime Sponsor: Senator Regala*

*(HB 1393 Representative Jacks)*

*\*Signed by the Governor*

- A stirling converter is a device that produces electricity by converting heat from a solar source using a stirling engine.
- The business and occupation tax rate for businesses that manufacture stirling converters is lowered from 0.484 percent to 0.275 percent.
- Community solar projects using stirling converters may receive an enhanced incentive rate, which is calculated by multiplying the base rate by a factor of 2.4.

**ESSB 5555: CONCERNING INTERBASIN TRANSFERS OF WATER RIGHTS**

*Prime Sponsor: Senator Parlette*

*\*Signed by the Governor*

- For counties located east of the crest of the Cascade mountains, the Department of Ecology may only approve a change or transfer application for an interbasin water rights transfer after providing notice electronically to the board of county commissioners in the county of origin.

**SSB 5635: CONCERNING CHANGES IN THE POINT OF A DIVERSION UNDER A SURFACE WATER RIGHT PERMIT**

*Prime Sponsor: Senator Honeyford*

*(HB 1802 Representative Chandler)*

*\*Signed by the Governor*

- The Department of Ecology may allow a change of the point of diversion to a point of diversion located between Columbia River miles 215.6 and 292, if the existing point of diversion is also within those miles on the Columbia River.

**E2SSB 5769: REGARDING COAL-FIRED ELECTRIC GENERATION FACILITIES**

*Prime Sponsor: Senator Rockefeller*

*(HB 1825 Representative Litas)*

*\*Signed by the Governor*

- Applies the following schedule for imposing an emissions standard on a coal-fired baseload electric generation facility in Washington that emitted more than 1 million tons of green house gases in any calendar year prior to 2008: one boiler by December 2020 and any other boilers by 2025.
- Requires the Governor to enter into a memorandum of agreement with such a facility to enforce the emissions standard and schedule, to require the installation of specified pollution control technology, and to require economic mitigation for the affected local community.
- Amends the current emissions performance law to allow an electric utility to enter into long-term power purchase agreements with such a facility and creates a process to allow the utility to recover the cost of the agreements in its rates.

**SHB 1061: CONCERNING ON-SITE WASTEWATER TREATMENT SYSTEMS DESIGNER LICENSING**

*Prime Sponsor: Representative Green*

*(SB 5286 Senator Nelson)*

*\*Signed by the Governor*

- Licensure applicants may satisfy experience requirements by completing approved internship or mentoring programs. Applicants holding licenses from other jurisdictions in several related disciplines, not just on-site wastewater systems design, may be granted a license without examination, depending upon the other jurisdiction's standards.
- A one-year license validity period is deleted, and the Department of Licensing is authorized to determine the validity period. For determining license renewal fees, licensees are combined with engineers and land surveyors.

## **SHB 1135: REGARDING REFRIGERANTS FOR MOTOR VEHICLES**

*Prime Sponsor: Representative Finn*

*\*Signed by the Governor*

- Allows the use of motor vehicle air conditioning refrigerants that are included in rules adopted by the Department of Ecology.
- Provides that no one may sell, equip, license, or register for use a new vehicle with air conditioning that doesn't comply with the rules.

## **SHB 1211: CONCERNING UTILITY DONATIONS TO HUNGER PROGRAMS**

*Prime Sponsor: Representative Rivers*

*(SSB 5499 Senator Chase)*

*\*Signed by the Governor*

- Public utility districts (PUDs) and municipal utilities may request voluntary donations from their customers to support hunger programs.
- PUDs and municipal utilities are not precluded from requesting voluntary donations to support other types of programs.
- Donations received by a PUD or municipal utility are not considered gross income for the purposes of calculating public utility taxes.

## **HB 1271: LIMITING THE USE OF FERTILIZER CONTAINING PHOSPHORUS**

*Prime Sponsor: Representative Billig*

*(SB 5194 Senator White)*

*\*HB 1271 was not enacted, but the provisions are substantially similar to those in ESHB 1489.*

## **HB 1391: REGARDING THE USE OF WATER DELIVERED FROM THE FEDERAL COLUMBIA BASIN PROJECT**

*Prime Sponsor: Representative Warnick*

*(SB 5293 Senator Schoesler)*

*\*Signed by the Governor*

- The total number of acres irrigated by a person under the groundwater right and through the use of the federal Columbia Basin Project's water must not exceed the quantity of water authorized by the federal Bureau of Reclamation and the number of acres irrigated under the person's water right permit or certificate for the use of water from the aquifer.

## **SHB 1467: MODIFYING THE DEFINITION OF A WELL FOR THE PURPOSES OF CHAPTER 18.104 RCW**

*Prime Sponsor: Representative Buys*

*\*Signed by the Governor*

- The definition of a well is modified to exempt the insertion of any device or instrument less than ten feet in depth into the soil for the sole purpose of performing soil or water testing or analysis, or establishing soil moisture analysis content, as long as there is no withdrawal of water in any quantity other than necessary to perform the intended testing or analysis.
- The definition of a well does not include an excavation made for the purpose of siting and constructing an on-site sewage disposal system or a large on-site sewage system.

## **ESHB 1489: PROTECTING WATER QUALITY THROUGH RESTRICTIONS ON FERTILIZER CONTAINING PHOSPHORUS**

*Prime Sponsor: Representative Billig*

*(SB 5194 Senator White)*

*\*Signed by the Governor/partial veto*

*\*HB 1271 was not enacted, but the provisions are similar as described below:*

- Beginning on January 1, 2013, a person is prohibited from applying turf fertilizer labeled as containing phosphorus to turf.
- A person may use turf fertilizer that is labeled as containing phosphorus to establish or repair grass during a growing season, for adding phosphorus to soils with deficient plant-available phosphorus levels, or for application to pasture lands, houseplants, flower or vegetable gardens, or agricultural or silvicultural lands.
- A retailer may not display turf fertilizers labeled as containing phosphorus unless the product is also labeled for one of the permitted uses.

- The Department of Agriculture is not required to enforce the prohibition on the use of turf fertilizer labeled as containing phosphorus or the restrictions on the display of turf fertilizer labeled as containing phosphorus. (PV)

### **SHB 1570: PROVIDING NOTICE TO THE DEPARTMENT OF DEFENSE BEFORE SITING ENERGY FACILITY PROJECTS**

*Prime Sponsor: Representative Chandler*

*\*Signed by the Governor*

- The Energy Facility Site Evaluation Council (EFSEC) or local governments must provide written notice to the Department of Defense when they receive a siting application for an energy plant or alternative energy resource facility if the plant or facility is connected to a transmission line of a nominal voltage of at least 115 kilovolts.
- In order to assist local governments who must contact the Department of Defense, EFSEC must post on its website the appropriate contact information.

### **SHB 1571: LIMITING REGULATION OF ELECTRIC VEHICLE BATTERY CHARGING FACILITIES**

*Prime Sponsor: Representative Eddy*

*(SSB 5440 Senator Rockefeller)*

*\*Signed by the Governor*

- The Washington Utilities and Transportation Commission (WUTC) is prohibited from regulating the rates of electric vehicle battery charging facilities owned by non-electric utilities or companies.
- The WUTC is prohibited from regulating the rates of electric vehicle battery charging facilities owned by electric utilities if they do not use ratepayer money to build and operate the facility.

### **ESHB 1572: AUTHORIZING PUBLIC UTILITY DISTRICTS TO REQUEST VOLUNTARY CONTRIBUTIONS TO ASSIST LOW-INCOME CUSTOMERS WITH PAYMENT OF WATER AND SEWER BILLS**

*Prime Sponsor: Representative Pettigrew*

*(SB 5362 Senator Chase)*

*\*Signed by the Governor*

- A public utility district (PUD) may request voluntary contributions to assist low-income residential customers with paying their water and sewer bills.
- All funds received by the PUD must be used solely to assist low-income residents with paying their water and sewer bills.

### **E2SHB 1634: CONCERNING UNDERGROUND UTILITIES**

*Prime Sponsor: Representative Takko*

*\*Signed by the Governor/partial veto*

- Underground utility operators (operators), including utility service suppliers in addition to utility owners, must respond to excavation notices and mark underground utilities or provide available location information to excavators. Exemptions from excavator notice requirements are clarified.
- State and local government agencies planning work near hazardous liquid and gas pipelines must notify operators. Local governments permitting work near pipelines must notify operators or require permit applicants to confer with operators.
- A Damage Prevention Account, funded by penalties, with expenditures by the Washington Utilities & Transportation Commission (WUTC) to improve safety and compliance with standards, is created. A stakeholder safety committee is established to advise the WUTC and others on safety and to review complaints of alleged violations.
- Operators and excavators must report underground utility damage to the WUTC, which will evaluate damage data. The WUTC will enforce civil penalties for violations involving WUTC-regulated utilities and the Attorney General will enforce civil penalties for violations involving other entities.
- ~~Nothing in the act is to be construed to classify certain consumer-owned utilities to be under WUTC authority.~~ (PV)

## **ESHB 1721: PREVENTING STORM WATER POLLUTION FROM COAL TAR SEALANTS**

*Prime Sponsor: Representative Frockt*

*\*Signed by the Governor*

- Bans the sale of coal-tar pavement products as of January 1, 2012.
- Prohibits the use of coal-tar pavement products for use on driveways and parking areas as of July 1, 2013.
- Authorizes cities and counties to adopt enforcement ordinances, which have jurisdiction concurrent with the Department of Ecology.

## **2SHB 1803: MODIFYING THE COLUMBIA RIVER BASIN MANAGEMENT PROGRAM**

*Prime Sponsor: Representative Chandler*

*(ESB 5647 Senator Fraser)*

*\*Signed by the Governor*

- The Department of Ecology (DOE) may enter into water service contracts for cost recovery and revenue sharing. The cost reimbursement monies must be deposited into the Columbia River Account.
- Pump storage projects may be considered storage projects for purposes of funding under the Columbia River Basin Management Program.
- The DOE must evaluate options for aggregating projects to achieve in-stream and out-of-stream allocations and report its findings to the Legislature by September 15, 2011.
- Two-thirds of the water made available through the reoperation of Sullivan Lake must be used to supply out-of-stream uses in Douglas, Ferry, Lincoln, Okanogan, Pend Oreille, and Stevens counties.

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# FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

786-7408

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**SB 5035: CONCERNING THE PROVISION OF WRITTEN RECEIPTS TO TENANTS BY LANDLORDS UNDER THE MANUFACTURED/MOBILE HOME LANDLORD-TENANT ACT**

*Prime Sponsor: Senator Shin*

*(SHB 1078 Representative Goodman)*

*\*Signed by the Governor*

- A landlord is to provide a tenant with a written receipt for all payments made in cash.
- For non-cash payments, upon a tenant's request, a landlord is to provide a tenant with a written receipt for any non-cash payment.

**SB 5076: ADDRESSING THE SUBPOENA AUTHORITY OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

*Prime Sponsor: Senator Hobbs*

*(HB 1039 Representative Bailey)*

*\*Signed by the Governor*

- Creates a process for the Department of Financial Institutions (Department) to seek judicial approval of a subpoena in advance of its issuance.
- This authority is granted under the following regulatory programs of the Department: franchise investment protection, business opportunities, mortgage brokers, securities, money transmitters, commodity transactions, consumer loan companies, and check cashers and sellers.

**SB 5213: ADDRESSING INSURANCE STATUTES, GENERALLY**

*Prime Sponsor: Senator Litzow*

*(HB 1343 Representative Kirby)*

*\*Signed by the Governor*

- Several technical changes are made to the insurance code. Numerous provisions of the code are modernized and clarified, outdated sections are repealed, internal cross-references are corrected, and minor substantive changes are made.
- The due date for regulatory surcharges paid by insurers is changed to July 15, and the date for assessing penalties for nonpayment is extended to July 31.
- The director of personnel is assigned as the authoritative body for setting examiner salaries.
- Healthcare service providers are required to report premiums and prepayments, for tax purposes, on a written basis or on a paid-for basis consistent with the basis required by the annual statement.
- Conflicting language within the Long-Term Care Partnership Act is removed to correspond with provisions in the 2005 Federal Deficit Reduction Act, thereby enabling Washington to become a Long-Term Partnership state.

**SB 5224: INCREASING THE CHARGE LIMIT FOR THE PREPARATION OF CONDOMINIUM RESALE CERTIFICATES**

*Prime Sponsor: Senator Hobbs*

*\*Signed by the Governor*

- When a unit owner requests a resale certificate and provides any fee as may be required, the association is to provide the certificate within ten days of the request. A reasonable charge for a resale certificate may not exceed \$275 (an increase from the previous cap of \$150).

**SB 5375: ALLOWING TRUST COMPANIES TO BE ORGANIZED AS, OR CONVERT TO, LIMITED LIABILITY COMPANIES UNDER CERTAIN CONDITIONS**

*Prime Sponsor: Senator Hobbs*

*(HB 1466 Representative Kirby)*

*\*Signed by the Governor*

- A trust company is authorized to form or convert to a Limited Liability Company (LLC) after obtaining approval from the Department of Financial Institutions.
- Approval to form as an LLC is based on the same conditions set for banks, bank holding companies, and savings banks.

**SB 5446: CONCERNING THE ENTRY OR REMOVAL OF CERTAIN HOMES, MODELS, OR VEHICLES IN MANUFACTURED HOUSING COMMUNITIES WITH A NONCONFORMING USE STATUS**

*Prime Sponsor: Senator Shin*

*(HB 1748 Representative Miloscia)*

*\*SB 5446 is incorporated in its entirety into SHB 1502.*

**SB 5482: AUTHORIZING EXISTING FUNDING TO HOUSE VICTIMS OF HUMAN TRAFFICKING AND THEIR FAMILIES**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- Currently, there are three document recording surcharges related to affordable housing and homelessness. These funds are deposited into the Affordable Housing for All Fund and the Home Security Fund.
- Monies from the funds are used by the counties and the Department of Commerce to fund specific low-income affordable housing.
- Funds from both accounts may be used to house low-income victims of human trafficking, and their families.

**SSB 5590: CONCERNING LIEN HOLDER REQUIREMENTS FOR CERTAIN FORECLOSURE SALES**

*Prime Sponsor: Senator Benton*

*\*Signed by the Governor*

- If a seller of owner-occupied residential property and a buyer agree on a purchase price that is insufficient to pay in full the obligation owed, and the seller makes a written offer to the senior beneficiary, the senior beneficiary must respond, in good faith, within 120 days with an acceptance, rejection, or counter-offer of the seller's written offer.
- If the senior beneficiary acts in bad faith, the seller has a right of action for actual monetary damages. However, a senior beneficiary is not responsible for the actions or inactions of a subsequent lien holder.
- If the property is foreclosed, and the seller (borrower) failed to enjoin the sale based on a lien holder acting in bad faith, the seller is not deemed to have waived his or her claim for damages under the Deeds of Trust Act.
- These provisions do not apply to beneficiaries that conduct fewer than 250 trustee sales per year.
- These provisions do not alter a beneficiary's right to issue a notice of default and does not lengthen or shorten any time period imposed or required under the Deeds of Trust Act.

**SSB 5988: MAKING IMPERATIVE CHANGES TO THE FORECLOSURE FAIRNESS ACT TO ENSURE MEDIATORS' PARTICIPATION**

*Prime Sponsor: Senator Hobbs*

*(HB 2163 Representative Orwall)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- The Foreclosure Fairness Act (ESHB 1362) passed last session created a foreclosure mediation process. Prior to mediation, the mediator must have both parties sign a live witness waiver form which states a mediator may not be called in as live witness in any related foreclosure litigation.
- SSB 5988 places the language of this form into statute, eliminating the need for the form, and provides that in addition to the mediator's certification, any and all documents used in mediation may be considered admissible evidence in related foreclosure litigation.

- Foreclosure mediators who are employees or volunteers of a Dispute Resolution Center are immune from civil liability, except for in instances of willful or wanton misconduct.

**HB 1191: CHANGING THE EXPIRATION DATES OF THE MORTGAGE LENDING FRAUD PROSECUTION ACCOUNT AND ITS REVENUE SOURCE**

*Prime Sponsor: Representative Ryu*  
*\*Signed by the Governor*

*(SB 5075 Senator Fain)*

- In 2003 the Legislature created the Mortgage Lending Fraud Prosecution Account (Account), a specific fund to aid in the prosecution of consumer fraud in the mortgage lending process. The Account is administered by the Department of Financial Institutions. Funds for the Account are generated by a \$1 surcharge, assessed at the recording of a deed of trust.
- The Mortgage Lending Fraud Prosecution Account and the surcharge expire on June 30, 2016.

**SHB 1257: ADOPTING THE INVESTMENTS OF INSURERS MODEL ACT**

*Prime Sponsor: Representative Stanford*  
*\*Signed by the Governor/partial veto*

*(SB 5121 Senator Hobbs)*

- The National Association of Insurance Commissioners' (NAIC) Investment of Insurer's Model Act (Model Act) is adopted in substantial part. The NAIC Model Act seeks to provide a more concentrated level of protection for insureds, creditors, and the general public while concurrently providing insurers more autonomy with regards to their investment practices.
- The Insurance Commissioner is authorized to enact rules that target specific instances of overtly risky investment practices.
- Insurers must meet minimum financial security benchmarks and minimum asset requirements in order to be classified as solvent for investment purposes.
- Insurers must establish and follow a written investment policy to ensure prudent investment standards are practiced.
- ~~The Insurance Commissioner, in consultation with the Department of Financial Institutions and the State Investment Board, is required to submit a report to the Governor and Legislature by December 1, 2011, regarding the effects associated with implementing the Model Act. (PV)~~
- This act takes effect July 1, 2012.

**SHB 1266: MODIFYING THE LANDLORD-TENANT ACT AND OTHER RELATED PROVISIONS**

*Prime Sponsor: Representative Pedersen*  
*\*Signed by the Governor*

- A number of changes are made to the Residential Landlord-Tenant Act (RLTA).
- District courts are given authority to issue service of process out-of-state in actions filed in the small claims department if the action is brought under the RLTA against an owner.
- Changes are made to provisions governing a tenant's rights when a landlord fails to remedy a defective condition within required time frames after written notice from the tenant, and more specific notice requirements are established for landlord entry into a tenant's dwelling unit.
- When a landlord requires a fee or deposit to hold a dwelling unit or secure that a prospective tenant will move into a dwelling unit, the landlord may not withhold a portion of the fee or deposit if the dwelling unit fails a tenant-based rental assistance program inspection by a qualified inspector.
- A landlord who collects a security deposit without providing a written checklist describing the condition of the dwelling unit at the commencement of the tenancy is liable for the amount of the deposit, and the prevailing party in an action may recover costs and reasonable attorneys' fees. A tenant may request one free replacement copy of the written checklist. Other changes are made.

## **ESHB 1309: CONCERNING RESERVE ACCOUNTS AND STUDIES FOR CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS**

*Prime Sponsor: Representative Roberts*

*(SB 5223 Senator Benton)*

*\*Signed by the Governor*

- Requires homeowners' associations with significant assets to prepare an initial reserve study and update the study annually.
- Encourages homeowners' associations to establish reserve accounts to fund major maintenance, repair, and replacement of common elements.
- Requires the board of directors of condominium associations and homeowners' associations to disclose information to owners regarding reserve studies with the annual budget summary.

## **2SHB 1362: PROTECTING AND ASSISTING HOMEOWNERS FROM UNNECESSARY FORECLOSURES**

*Prime Sponsor: Representative Orwall*

*(SSB 5275 Senator Kline)*

*\*Signed by the Governor*

- Under the Deeds of Trust Act, prior to issuing a Notice of Default, a beneficiary is to "meet and confer" with homeowners of owner-occupied residential real property, providing more time for the borrower to meet with the beneficiary to explore whether any alternatives to foreclosure may exist.
- Establishes a foreclosure mediation process for borrowers referred to mediation by housing counselors or attorneys.
- Certain beneficiaries are required to remit to the Department of Commerce quarterly payments based on the number of owner-occupied residential real properties that have been issued notices of default.
- The Department of Commerce is to report annually to the Legislature regarding the results of the mediation program.

## **2SHB 1405: REGULATING LOANS MADE UNDER THE CONSUMER LOAN ACT**

*Prime Sponsor: Representative Kirby*

*(SSB 5303 Senator Rockefeller)*

*\*Signed by the Governor*

- The Consumer Loan Act's (CLA) exemption regarding loans made primarily for business, commercial, or agricultural purposes is modified to except loans that are secured by a lien on the borrower's primary residence.
- It is a prohibited practice for a CLA licensee to execute or induce the execution of an instrument that conveys any ownership interest in a borrower's primary residence to the lender; or obtain a release for damages resulting from a violation of the usury law, the CLA, or by other laws.
- The Director of the Department of Financial Institutions (Director) may waive licensing CLA provisions for persons servicing mortgage loans when the Director determines it is necessary to facilitate commerce and protect consumers.

## **SHB 1502: CONCERNING MANUFACTURED HOUSING AND MOBILE HOMES**

*Prime Sponsor: Representative Ormsby*

*(SB 5383 Senator Conway)*

*\*Signed by the Governor*

- The name of the Office of Manufactured Housing is changed to the Office of Mobile/Manufactured Home Relocation Assistance. References to providing general assistance to manufactured housing community owners or landlords are deleted.
- The Office of Mobile/Manufactured Home Relocation Assistance must provide, if funding is appropriated for this purpose, technical assistance to tenants under the Park Purchase Program.
- The Manufactured Housing Task Force is repealed.
- The Manufactured Housing (MH) Account is repealed. The \$15 fee collected on title transfers is deposited in the Installation Training Account for use by the Department of Labor and Industries for the state administrative agency function and the Installation Program. Any residual balance in the MH Account must be transferred to the Installation Training Account.

*\*SB 5446 is incorporated in its entirety into SHB 1502, as described below:*

- Cities, code cities, and counties are prohibited from denying authorized manufactured/mobile homes, recreational vehicles, or park models entry into, or requiring their removal from, a manufactured housing community based on the community's status as a nonconforming use.

## **HB 1694: REGULATING UNAUTHORIZED INSURANCE**

*Prime Sponsor: Representative Stanford*

*(SB 5397 Senator Benton)*

*\*Signed by the Governor*

- Various changes are made to the unauthorized insurance code in response to the Dodd-Frank Wall Street Reform Act.
- All surplus property and casualty insurance, except industrial insurance, must be purchased from a licensed broker according to the laws of the insured's home state.
- New guidelines are provided for calculating taxable premiums based on the type of insurance and the location of the insured's home state.
- The Office of Insurance Commissioner is authorized to join a national producer database for the licensure of surplus line brokers in order to continue collecting licensing fees from brokers.

## **HB 1709: MAKING CERTAIN LINES OF GROUP DISABILITY INSURANCE MORE AVAILABLE**

*Prime Sponsor: Representative Kirby*

*(SB 5617 Senator Hobbs)*

*\*Signed by the Governor*

- Subject to the requirements below, group disability-income insurance, accident only coverage, dental only coverage, and vision only coverage may be offered under a group policy to a group other than those currently in statute.
- The Insurance Commissioner must find that the issuance of the group policy is not contrary to the best interest of the public, its issuance would result in economies of acquisition or administration, and the benefits are reasonable in relation to the premiums charged.
- If a group policy is issued from another state, the other state must have substantially similar requirements as Washington and the policy must meet those requirements before being issued in Washington.

## **SHB 1761: LIMITING PRIVATE ACTIVITY BOND ISSUES BY OUT-OF-STATE ISSUERS**

*Prime Sponsor: Representative Dunshee*

*(SB 5618 Senator Chase)*

*\*Signed by the Governor*

- An out-of-state issuer of private activity bonds must receive approval from a Washington State bond issuing authority before proceeding to a public hearing on the issuance of the bond.
- The Washington State bond issuing authority must approve the out-of-state issuer if the issuer provides information that is consistent with the state's laws, public policies, and best interests.
- The Department of Commerce is prohibited from making an allocation of the state bond cap to an out-of-state bond issuing authority.
- Each Washington State bond issuing authority, within existing funds, is required to document and provide reports to the Legislature identifying the number of out-of-state bond issuers that have proposed to issue bonds in the state and whether or not such proposals were approved.

## **HB 1867: CLARIFYING THAT PREPAID WIRELESS SERVICES ARE NOT INTENDED TO BE CONSIDERED AS GIFT CARDS OR GIFT CERTIFICATES**

*Prime Sponsor: Representative Kelley*

*(SB 5696 Senator Prentice)*

*\*Signed by the Governor*

- Prepaid telephone calling cards and commercial mobile radio services are not to be classified as gift cards or gift certificates.
- Prepaid telephone calling cards and commercial mobile radio services may have an expiration date and associated service fees.
- The definition of stored value is amended to mean a value or credit primarily intended to be redeemed for a limited universe of goods, intangibles, services, or other items provided by the issuer or its affiliates.

**SHB 2119: REQUIRING ANOTHER ONE-TIME SUM DUE BY BENEFICIARIES FOR REPORTING CERTAIN NOTICES OF DEFAULT**

*Prime Sponsor: Representative Orwall*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Requires certain beneficiaries to remit to the Department of Commerce payments based on the number of owner-occupied residential real properties that have been issued notices of default between April 14, 2011, and June 30, 2011.

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# GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

786-7432

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## **ESSB 5021: ENHANCING ELECTION CAMPAIGN DISCLOSURE REQUIREMENTS TO PROMOTE GREATER TRANSPARENCY FOR THE PUBLIC**

*Prime Sponsor: Senator Pridemore*

*\*Signed by the Governor*

- A political committee name must include the name of the person or entity that is a sponsor of the committee. No two political committees may have the same name.
- A person who with actual malice violates a provision of RCW 42.17 is guilty of a misdemeanor. A person who violates, within a 5-year period, three or more provisions of RCW 42.17 is guilty of a gross misdemeanor.
- Political committees may make a contribution to another political committee only when the contributing political committee has received contributions of \$10 or more from at least ten persons registered to vote in Washington State.
- The name of the sponsor of a political committee must be in the name of the political committee. If more than one person is the sponsor, the name of the committee must include the name of at least one sponsor but may include the name of additional sponsors.
- A person may only sponsor one political committee for the same elected office or same ballot measure per election cycle.

## **SB 5033: CONCERNING THE SALE OF WATER-SEWER DISTRICT REAL PROPERTY**

*Prime Sponsor: Senator Pridemore*

*(HB 1075 Representative Takko)*

*\*Signed by the Governor*

- A district may privately sell real property provided the estimated value is \$5,000 or less. The board of commissioners of the district must determine the estimated value based upon the advice of brokers and appraisers. Formal written appraisals are not required.
- If the sale price exceeds \$5,000 the sale price must be determined through a formal property valuation process, including either a written broker price opinion from three real estate brokers or an appraisal by one professionally designated real estate appraiser.

## **ESSB 5098: EXEMPTING PERSONAL INFORMATION FROM PUBLIC INSPECTION AND COPYING**

*Prime Sponsor: Senator Carrell*

*\*SSB 5314 is incorporated in its entirety into ESSB 5098.*

- The personal information for a participant in a public or non-profit program serving or pertaining to children, adolescents, or students, including but not limited to, early learning or child care services, parks and recreation programs, youth development programs, and after school programs is exempt from public inspection and copying under the Public Records Act.
- Personal information includes, but is not limited to, addresses, telephone numbers, person e-mail addresses, social security numbers, emergency contact and date of birth information.
- Emergency contact information may be provided to appropriate authorities and medical personnel for the purposes of treating the individual during an emergency situation.

**SB 5116: CONCERNING PUBLIC HEALTH DISTRICT AUTHORITY AS IT RELATES TO GIFTS, GRANTS, CONVEYANCES, BEQUESTS, AND DEVICES OF REAL OR PERSONAL PROPERTY**

Prime Sponsor: Senator Swecker

(HB 1280 Representative Springer)

\*Signed by the Governor

- Public hospital districts may enter into contracts with for-profit and non-profit organizations to raise funds using the districts' facilities, personnel, and services.

**SB 5117: CONCERNING THE POPULATION RESTRICTIONS FOR A GEOGRAPHIC AREA TO QUALIFY AS A RURAL PUBLIC HOSPITAL DISTRICT**

Prime Sponsor: Senator Haugen

(HB 1274 Representative Smith)

\*Signed by the Governor

- The population of the largest city that may be contained in a rural public hospital district is increased from 30,000 to 50,000.

**SB 5119: CANCELING THE 2012 PRESIDENTIAL PRIMARY**

Prime Sponsor: Senator Pridemore

(HB 1324 Representative Appleton)

\*Signed by the Governor

- The presidential preference primary for the year 2012 is cancelled.
- \*SHB 1860 was not enacted, but the provisions are similar as described below:
- The presidential primary is held only if both political parties agree to use nothing but the results to allocate their delegates to the national nominating convention.
  - The term of precinct committee officers is changed from two years to four years.

**ESSB 5124: MODIFYING ELECTIONS BY MAIL PROVISIONS**

Prime Sponsor: Senator White

(SHB 1079 Representative Hunt)

\*Signed by the Governor

- All counties must conduct all elections entirely by mail ballot.
- Any county auditor that maintains poll site voting must notify each registered poll voter that all future primary, general, and special elections will be conducted by mail.
- Counties are required to provide accessible voting centers for disabled voters, provide replacement and provisional ballots, and assist anyone wishing to vote in person.
- A precinct may consist of no more than 1500 active registered voters.

**2ESSB 5171: FACILITATING VOTING FOR SERVICE AND OVERSEAS VOTERS**

Prime Sponsor: Senator Hobbs

(HB 1080 Representative Hurst)

\*Signed by the Governor

- The day of the primary election is moved earlier by two weeks, to the first Tuesday in August.
- Candidate filing is moved three weeks earlier, to mid-May.
- The rest of the election cycle's calendar is adjusted accordingly.
- To accommodate redistricting's demands, the April 2012 special election is moved up from the fourth Tuesday in April to the third, and just for the year 2012 the time period to certify the results is shortened from fifteen days to ten.
- County auditors must provide ballots to overseas and service voters at least 30 days before each special election and at least 45 days before each primary or general election. (PV)
- Provisions regarding vacancies and voids in candidacies are clarified and effective immediately, while the rest of the act is effective January 1, 2012. (PV)

\*HB 1000 is incorporated in its entirety into 2ESSB 5171, as described below.

\*Signed by the Governor/partial veto

- Service and overseas voters may scan and e-mail back their voted ballots without waiving secrecy.
- ~~County auditors must provide ballots to overseas and service voters at least 30 days before each special election and at least 45 days before each primary or general election. This section is effective 90 days after the end of the legislative session. (PV)~~

**SSB 5192: CONCERNING PROVISIONS FOR NOTIFICATIONS AND APPEALS  
TIMELINES UNDER THE SHORELINE MANAGEMENT ACT**

*Prime Sponsor: Senator Nelson*

*(HB 1696 Representative Fitzgibbon)*

*\*Signed by the Governor*

- A master program takes effect 14 days from the date of the Department of Ecology's (DOE) written notice of final action to the local government.
- When DOE approves or disapproves a master program, DOE must publish notice and notify the local government and the applicant on the date of filing by telephone or other electronic means, followed by written communication as necessary, to ensure that the applicant has received the full written decision.
- Permit decisions may be appealed within 21 days of the date of filing (the date of actual receipt by DOE of the local government's decision).
- Substantial development, conditional use, and variance permit decisions may be appealed within 21 days of the date of filing (the date DOE's decision is transmitted to the local government).

**ESSB 5253: CONCERNING TAX INCREMENT FINANCING FOR LANDSCAPE  
CONSERVATION AND LOCAL INFRASTRUCTURE**

*Prime Sponsor: Senator White*

*(HB 1469 Representative Springer)*

*\*Signed by the Governor*

- Counties that border Puget Sound, have 600,000 or more residents, and that have an established transfer of development rights program must designate all agricultural and forest land of long-term commercial significance as sending areas of development rights and calculate the number of development rights eligible for transfer to cities within the counties.
- These cities may create Local Infrastructure Project Areas (LIPAs) within their boundaries to use the city's share of development rights received from the county.
- These cities may finance public improvements in LIPAs through property taxes imposed by the city and the county within which the LIPA is located.
- Administrative, procedural, and reporting requirements related to LIPA creation and financing are established.

**SSB 5314: REGARDING PUBLIC DISCLOSURE OF INFORMATION RELATING  
TO PROVISION OF CHILD CARE AND EARLY LEARNING  
SERVICES**

*Prime Sponsor: Senator Nelson*

*(HB 1293 Representative Miloscia)*

*\*SSB 5314 is incorporated in its entirety into ESSB 5098.*

**2SSB 5459: REGARDING SERVICES FOR PEOPLE WITH DEVELOPMENTAL  
DISABILITIES**

*Prime Sponsor: Senator Kline*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Persons under age 16 cannot be admitted to Residential Habilitation Centers (RHC). Persons ages 16-21 may be admitted only for short-term crisis or respite admissions.
- Frances Haddon Morgan Center is closed by December 31, 2011. A person-centered approach to transitions are required for residents leaving the institutions.
- Admissions to Yakima Valley School (YVS) are frozen except for limited, short-term admissions for crisis and respite. After population at YVS reaches 16, the institution ceases to be an RHC.
- As many as eight crisis stabilization and eight respite beds are established throughout the state.
- A legislative task force is created directed to make recommendations for the future of existing RHCs.
- ~~The Department of Social and Health Services is required to provide a series of processes and services to facilitate successful client transitions from the RHCs and into community settings. (PV)~~

**ESB 5505: ALLOWING THE USE OF FEDERAL CENSUS DATA TO DETERMINE THE RESIDENT POPULATION OF ANNEXED TERRITORY**

*Prime Sponsor: Senator Hill*

*(SHB 1336 Representative Springer)*

*\*Signed by the Governor*

- Authorizes an annexing city to use updated 2010 federal census decennial census data to account for the resident population of complete federal census blocks located in territory to be annexed, if the date of annexation occurs within 12 months after the release of the census data and the annexing city has a population of greater than 10,000 inhabitants.
- Specifies that if an annexing city is using 2010 federal decennial census data, and at least two weeks prior to the date of annexation, the Office of Financial Management (OFM) confirms a known census error within a complete federal census block, OFM may require the city to enumerate the population of certain group quarters, mobile home parks, apartment complexes, missing subdivisions, and closures of any of these structures or complexes within that block.
- Requires an annexing city to use actual enumeration to account for the resident population of any partial census block located within the territory to be annexed, and for the entire resident population of territory to be annexed, if the date of annexation occurs more than 12 months after the date of release of federal decennial census data or if the annexing city has a population of 10,000 or fewer inhabitants.

**SSB 5525: CONCERNING HOSPITAL BENEFIT ZONES THAT HAVE ALREADY FORMED**

*Prime Sponsor: Senator Kilmer*

*(HB 1659 Representative Angel)*

*\*Signed by the Governor*

- A local government may modify the public improvements to be financed with the use of Hospital Benefit Zone (HBZ) financing by amending the enabling ordinance and holding a public hearing, provided that the total cost of the public improvements is not increased.
- Local public sources may include amounts expended by a hospital to finance public improvements in the HBZ since the date of formation of the HBZ and may be applied to the year or years designated by the local government.
- Local public sources that are unused with respect to meeting the local match requirement in any year may be carried forward.
- A city, town, or county is not required to expend the local tax credited against the state taxes imposed under an HBZ in the fiscal year in which the taxes are received.

**2SSB 5595: CONCERNING THE DISTRIBUTION OF THE PUBLIC UTILITY DISTRICT PRIVILEGE TAX**

*Prime Sponsor: Senator Parlette*

*\*Signed by the Governor*

- If a county receives privilege taxes because a public utility district operated by another county owns fee title to property in a city or town in the county, but the district has no sales of electrical energy in that city or town, the county may retain 70 percent of the tax proceeds.
- The cities or towns where the property is owned must divide the remaining 30 percent equally.
- This distribution only applies when the city or town adjoins a reservoir on the Columbia River wholly or partially created by public utility district's hydroelectric facility which began power generation in 1967.

**ESB 5638: CONCERNING THE EXEMPTION OF FLOOD CONTROL ZONE DISTRICTS THAT ARE COEXTENSIVE WITH A COUNTY FROM CERTAIN LIMITATIONS UPON REGULAR PROPERTY TAX LEVIES WHILE PROTECTING OTHER LEVIES FROM PRORATIONING.**

*Prime Sponsor: Senator Keiser*

*\*ESB 5638 was not enacted, but the provisions are similar to those in EHB 1969.*

*\*Passed during the 1st Special Legislative Session.*

**ESSB 5969: CONCERNING THE ESTABLISHMENT OF PROCEDURES FOR THE PROFESSIONAL LICENSING OF MILITARY SPOUSES AFTER RELOCATION TO WASHINGTON**

*Prime Sponsor: Senator Kilmer*

*(HB 2167 Representative Green)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- Requires each professional authority responsible for licensing, certifying, registering or issuing a permit to perform a professional service in this state to establish procedures to expedite the issuance of a license, certificate, or permit to a person who meets established criteria.
- A person qualifies for an expedited license, certificate, permit or registration if that person is certified or licensed in another state to perform professional services; has a spouse who is the subject of a military transfer to Washington; and left employment in the other state to accompany the person's spouse to Washington.

**SJR 8205: REPEALING A CONFLICTING RESIDENCY REQUIREMENT FOR VOTING IN A PRESIDENTIAL ELECTION**

*Prime Sponsor: Senator Carrell*

- At the next general election, an amendment to Article VI Washington Constitution will be submitted to the voters to repeal Section 1A of Article VI in its entirety.
- The Secretary of State is required to publish notice of the amendment at least four times during the four weeks preceding the election in every newspaper in the state.

**HB 1000: CONCERNING OVERSEAS AND SERVICE VOTERS**

*Prime Sponsor: Representative Hurst*

*\*HB 1000 is incorporated in its entirety into 2ESSB 5171.*

**ESHB 1008: CHANGING PROVISIONS RELATING TO MEMBERSHIP ON THE WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

*Prime Sponsor: Representative Appleton*

*\*Signed by the Governor*

- Authorizes a family member of a public employee to serve on the Washington Citizens' Commission on Salaries for Elected Officials (Commission) provided the family member does not reside in the household of the employee or have a financially dependent relationship with the state employee.
- Amends statutory provisions regarding the composition of the Commission to allow the appointment of an additional member representing the forthcoming new congressional district.

**HB 1012: AUTHORIZING FOUR-YEAR TERMS FOR PLANNING COMMISSIONERS**

*Prime Sponsor: Representative Angel*

*\*Signed by the Governor*

- A city, town, or county legislative authority may establish a four-year or a six-year term of office for appointive members of an established planning commission.

**EHB 1028: USING STATE CORRECTIONAL FACILITY POPULATIONS TO DETERMINE POPULATION THRESHOLDS FOR CERTAIN LOCAL GOVERNMENT PURPOSES**

*Prime Sponsor: Representative Schmick*

*(SSB 5133 Senator Schoesler)*

*\*Signed by the Governor*

- A code city or town with a mayor-council form or council-manager form of government may include or exclude the population of any state correctional facility within its jurisdiction in calculating the population thresholds pertinent to determining the requisite number of city council members.

- A city or town may include or exclude the population of any state correctional facility within its jurisdiction in calculating the population thresholds relevant to determining its eligibility to obtain funding from the Small City Pavement and Sidewalk Account.

**HB 1031:       REQUIRING THE COUNTY AUDITOR TO SEND VOTERS A SECURITY ENVELOPE THAT CONCEALS THE BALLOT**

*Prime Sponsor: Representative Armstrong*

*\*Signed by the Governor*

- Requires the county auditor to send voters a security envelope to conceal, rather than seal, the ballot.

**SHB 1048:     MAKING TECHNICAL CORRECTIONS NEEDED AS A RESULT OF THE RECODIFICATION OF CAMPAIGN FINANCE PROVISIONS**

*Prime Sponsor: Representative Hunt*

*\*Signed by the Governor*

- Technical corrections are made to the chapter of law concerning campaign finance to correct references and merge double amendments made during the previous legislative session.

**HB 1069:       REGARDING THE DISPOSITION OF UNCLAIMED REMAINS**

*Prime Sponsor: Representative Alexander*

*\*Signed by the Governor*

- A county coroner or medical examiner, using the qualified bidding process, may establish a preferred funeral home for the disposition of unclaimed remains from an individual who dies without plans and lacks anyone to provide for the disposition of his or her remains.

**HB 1074:       CHANGING QUALIFICATIONS FOR APPOINTEES TO METROPOLITAN WATER POLLUTION ABATEMENT ADVISORY COMMITTEES**

*Prime Sponsor: Representative Takko*

*(SB 5032 Senator Pridemore)*

*\*Signed by the Governor*

- The board of commissioners of a water-sewer district, operating within the metropolitan area of a metropolitan municipal corporation, may appoint one person not necessarily a commissioner, to serve on the metropolitan water pollution abatement advisory committee.

**HB 1150:       EXTENDING THE TIME IN WHICH A SMALL BUSINESS MAY CORRECT A VIOLATION WITHOUT A PENALTY**

*Prime Sponsor: Representative Smith*

*\*Signed by the Governor*

- Extends, from two business days to seven calendar days, the time that an agency must provide to a small business to correct a violation before the agency imposes a fine, civil penalty, or administrative sanction.

**EHB 1177:     REGARDING FIELD INVESTIGATIONS ON PRIVATELY OWNED LANDS**

*Prime Sponsor: Representative Hunt*

*(SB 5282 Senator Chase)*

*\*Signed by the Governor*

- Revises legislative intent pertaining to archaeological field investigations conducted on privately owned lands to state that such work should be conducted by professional archaeologists, and clarifies that such intent is not to be interpreted to allow trespassing on private property.
- Defines a field investigation as an on-site inspection by a professional archaeologist or by an individual under the direct supervision of a professional archaeologist employing archaeological inspection techniques for both the surface and subsurface identification of archaeological resources and artifacts resulting in a professional archaeological report detailing the results of such inspection.

**HB 1179: CLARIFYING THAT PUBLIC EMPLOYEES MAY ATTEND INFORMATIONAL OR EDUCATIONAL MEETINGS REGARDING LEGISLATIVE ISSUES**

*Prime Sponsor: Representative Hunt*

*\*Signed by the Governor*

- Adds an exception to state ethics laws to allow state employees to attend informational or educational meetings regarding legislative issues while accompanied by a legislator or other elected official.
- Allows state facilities, including state-owned or leased buildings, to be used for informational or educational meetings regarding legislative issues.

**EHB 1223: AUTHORIZING USE OF HEARING EXAMINERS FOR STREET VACATION HEARINGS**

*Prime Sponsor: Representative Fitzgibbon*

*(SB 5137 Senator Pridemore)*

*\*Signed by the Governor*

- The hearing on a petition to have a street or alley vacated may be held before a hearing examiner.
- If the hearing is before a hearing examiner, the hearing examiner must report his or her recommendation on the petition to the legislative authority.

**HB 1225: CLARIFYING THE METHOD FOR CALCULATING PORT COMMISSIONER COMPENSATION**

*Prime Sponsor: Representative Angel*

*(SB 5180 Senator Prentice)*

*\*Signed by the Governor*

- Modifies the method of calculating port district commissioner compensation to expressly provide that per diem and salary thresholds must be adjusted for inflation by the Office of Financial Management.

**E2SHB 1267: CLARIFYING AND EXPANDING THE RIGHTS AND OBLIGATIONS OF STATE REGISTERED DOMESTIC PARTNERS AND OTHER COUPLES RELATED TO PARENTAGE**

*Prime Sponsor: Representative Pedersen*

*\*Signed by the Governor*

- Amends the Uniform Parentage Act to specifically reference state-registered domestic partnerships in various provisions, such as the provisions establishing presumed parentage.
- Gender-specific terms are replaced with gender-neutral terms.
- A person is a presumed parent if, for the first two years of the child's life, the person resided in the same home with the child and openly held out the child as his or her own.
- The time period under which a person can challenge parentage is extended from two years to four years.
- If a person signed an acknowledgement or denial of paternity as a minor, the person may commence an action to rescind the acknowledgement or denial up until the date of his nineteenth birthday.

**ESHB 1295: CONCERNING THE INSTALLATION OF RESIDENTIAL FIRE SPRINKLER SYSTEMS**

*Prime Sponsor: Representative Van De Wege*

*(SB 5206 Senator Kohl-Welles)*

*\*Signed by the Governor*

- Educational material about residential fire sprinklers may be produced using monies from the Fire Protection Contractor License Fund.
- Single-family homes installing residential fire sprinkler systems do not have to pay the fire operations portion of the impact fee.
- A public water system is not liable for damages to the owner of a sprinklered home resulting from water shut-offs due to construction, routine maintenance, water system emergencies, the customer's non-payment of the water bill, or any other reason covered by the Public Duty Doctrine.

**ESHB 1332: PROVIDING FOR THE JOINT PROVISION AND MANAGEMENT OF MUNICIPAL WATER, WASTEWATER, STORM AND FLOOD WATER, AND RELATED UTILITY SERVICES**

*Prime Sponsor: Representative Eddy*

*(SB 5198 Senator Pridemore)*

*\*Signed by the Governor*

- Two or more local governments may form Joint Municipal Utility Services Authorities (Authorities) for the purpose of providing water-related utility services.
- Authorities are municipal corporations and are authorized to perform or provide any or all of the utility services that all of its members, excepting tribal government members, perform or provide.
- Authorities are entitled to exercise numerous powers, including the power to sue and be sued; acquire property and property rights; incur liabilities; hire employees; and determine fees, rates, and charges for services.

**ESHB 1406: ESTABLISHING THE INTRASTATE BUILDING SAFETY MUTUAL AID SYSTEM**

*Prime Sponsor: Representative Hunt*

*(SB 5221 Senator Swecker)*

*\*Signed by the Governor/partial veto*

- Counties, cities, towns, and federally recognized Tribes may mutually agree to fill in for each other on an as-needed basis without the necessity that a state-declared emergency exist.
- Issues of license portability, volunteerism, injury or death, tort liability, and immunity are addressed.
- Reimbursement is made directly from the requesting jurisdiction to the responding jurisdiction.
- Response is completely voluntary.
- ~~Oversight is by the Intrastate Building Safety Mutual Aid Oversight Committee, a committee of the Washington Association of Building Officials.~~ (PV)

**HB 1407: ALLOWING THE NEGOTIATED SALE AND CONVEYANCE OF ALL OR PART OF A WATER SYSTEM BY A MUNICIPAL CORPORATION TO FIRST CLASS AND CODE CITIES**

*Prime Sponsor: Representative Ryu*

*(SB 5248 Senator Hobbs)*

*\*Signed by the Governor*

- A public utility district located in a county that borders Puget Sound and that has a population of between 650,000 and 750,000 inhabitants is authorized to sell, without voter approval, all or part of its water system to a city or town that owns its own water system and has a population of fewer than 65,000 inhabitants.

**EHB 1409: AUTHORIZING THE SALE, EXCHANGE, TRANSFER, OR LEASE OF PUBLIC PROPERTY**

*Prime Sponsor: Representative Appleton*

*(SB 5208 Senator Chase)*

*\*Signed by the Governor*

- The state, any municipality, or political subdivision of the state may sell, transfer, exchange, lease, or dispose of real or personal property or property rights to a federally recognized Indian tribe.

**ESHB 1478: DELAYING OR MODIFYING CERTAIN REGULATORY AND STATUTORY REQUIREMENTS AFFECTING CITIES AND COUNTIES**

*Prime Sponsor: Representative Springer*

*(SB 5360 Senator Swecker)*

*\*Signed by the Governor*

- Timeframes within which local government entities are required to act are extended in various areas, including (1) countywide planning policy and comprehensive plan review and revision requirements under the Growth Management Act; (2) reporting requirements under the Buildable Lands Program; (3) alternative energy requirements pertaining to publicly owned fleet vehicles; (4) the Washington State Quality Award Program when the local governmental entities are involved in specified housing-related programs and receiving specific funding sources; (5) pavement rating reporting requirements; (6) the expending and encumbering of impact fees; (7) permitting renewal for National Pollutant Discharge Elimination permits; and (8) master plan amendment requirements under the Shoreline Management Act.
- The Department of Ecology (DOE), in coordination with the Department of Health, must adopt rules for reclaimed water use no earlier than June 30, 2013.

- The DOE must strive to achieve final action on a submitted master program within 180 days of receipt and must post an annual assessment of its own performance related to this benchmark.

**SHB 1506: ADDRESSING FIRE SUPPRESSION EFFORTS AND CAPABILITIES ON UNPROTECTED LAND OUTSIDE A FIRE PROTECTION JURISDICTION**

*Prime Sponsor: Representative Chandler*

*(SB 5373 Senator Chase)*

*\*Signed by the Governor*

- Property owners of unprotected lands are encouraged to form or annex into a fire protection jurisdiction or enter into an agreement with a fire protection service agency (agency) for firefighting services.
- An agency may initiate firefighting services on unprotected land in certain circumstances. If a fire protection service agency does so, the property owner must reimburse the agency for actual costs incurred that are proportionate to the fire itself.
- An agency is not liable for civil damages when engaging in firefighting efforts outside its jurisdiction or when providing emergency care at the scene of an emergency.
- The seller's disclosure form is amended to include a statement regarding whether the property is located within a fire protection district or within a Department of Natural Resources fire protection zone.

**SHB 1585: ESTABLISHING THE INTRASTATE MUTUAL AID SYSTEM**

*Prime Sponsor: Representative Eddy*

*(SB 5420 Senator Hobbs)*

*\*Signed by the Governor*

- Establishes a system for use during state-declared emergencies and for drills and exercises that allows counties, cities, towns, and federally recognized Indian tribes voluntarily to lend assistance to each other.
- Reimbursement, liability, and license portability are addressed.
- Oversight is by a subcommittee of the state emergency management council.

**SHB 1596: CONCERNING REQUIREMENTS THAT CITIES AND TOWNS WITH AMBULANCE UTILITIES ALLOCATE FUNDS TOWARD THE TOTAL COST NECESSARY TO REGULATE, OPERATE, AND MAINTAIN THE AMBULANCE UTILITY**

*Prime Sponsor: Representative Tharinger*

*(SB 5493 Senator Delvin)*

*\*Signed by the Governor*

- Authorizes a city, after January 1, 2012, to reduce its allocation of general fund revenues to its ambulance service utility below the current levels required by statute.
- Requires a city's legislative authority to hold a public hearing, preceded by at least 30 days public notice, to allow for public comment and to make specified disclosures before reducing the general fund allocation, to its ambulance service utility.

**HB 1598: CONCERNING COUNTY AND CITY ADDITIONAL REAL ESTATE EXCISE TAX AUTHORITY**

*Prime Sponsor: Representative Springer*

*(SB 5755 Senator Ranker)*

*\*HB 1598 was not enacted, but the provisions are substantially similar to those in HB 1953.*

**HB 1618: ADDRESSING PUBLIC UTILITY DISTRICTS AND DEFERRED COMPENSATION AND SUPPLEMENTAL SAVINGS PLANS**

*Prime Sponsor: Representative Sells*

*(SB 5281 Senator Hobbs)*

*\*Signed by the Governor*

- The Public Utility District statutes are made parallel with existing authority for state and local agencies to provide deferred compensation and supplemental savings plans for their employees, officers, and commissioners.

**HB 1649: CONCERNING RECIPROCITY AND STATUTORY CONSTRUCTION WITH REGARD TO DOMESTIC PARTNERSHIPS**

*Prime Sponsor: Representative Jinkins*

*\*Signed by the Governor*

- A legal union of two persons, including a marriage, that was validly formed in another jurisdiction and that is substantially equivalent to a Washington State registered domestic partnership must be recognized as a valid domestic partnership in this state.

**SHB 1691: CONCERNING EMBALMERS**

*Prime Sponsor: Representative Kirby*

*\*Signed by the Governor*

- When human remains are disposed of at public expense, the public agency responsible has the choice of surrendering the remains to an accredited educational institution offering embalming training programs under the supervision of a licensed embalmer.

*\*HB 1564 was not enacted, but the provisions are similar as described below:*

- The list of persons with the right to control the decision of what happens to a person's remains is amended to allow a majority of the surviving adult children or surviving siblings the authority to make the decision.
- The list of persons with the right to control the decision of what happens to a person's remains is amended to move the designated agent to the top of the list.
- The designated agent must be indicated in a written document signed and dated by the decedent in the presence of a witness.

**EHB 1730: CONCERNING THE AUTHORIZATION OF BONDS ISSUED BY WASHINGTON LOCAL GOVERNMENTS**

*Prime Sponsor: Representative Jinkins*

*(SSB 5695 Senator Fraser)*

*\*Signed by the Governor*

- Modifies ordinance and resolution requirements governing the issuance of bonds by a local government.
- Authorizes cities and towns to make expenditures from bond proceeds prior to the bonds being duly authorized.
- Modifies provisions governing the expenditure of unexpected fund balances remaining from the issuance of bonds by a city or town.

**ESHB 1731: CONCERNING THE FORMATION, OPERATION, AND GOVERNANCE OF REGIONAL FIRE PROTECTION SERVICE AUTHORITIES**

*Prime Sponsor: Representative Takko*

*\*Signed by the Governor*

- A Regional Fire Protection Service Authority's (Authority) service plan may create one or more regional fire protection service authority commissioner (commissioner) positions and districts (districts).
- Only a voter who resides in a district is eligible to serve as a commissioner for the district, and only voters of that district may vote at a primary to nominate a commissioner of the district. However, all voters of the proposed Authority may vote at a general election to elect a commissioner of the district.
- Provisions governing a commissioner's compensation, qualifications, ability to serve as a volunteer firefighter, polling places for elections, and commissioner vacancies are as provided in chapter 52.14 RCW, pertaining to commissioners of fire protection districts.

**SHB 1854: CONCERNING THE ANNEXATION OF TERRITORY BY REGIONAL FIRE PROTECTION SERVICE AUTHORITIES**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- An annexation process is established so that any Regional Fire Protection Service Authority (Authority) may annex an adjacent fire protection jurisdiction. An election to authorize the annexation and the related plan amendment may be held if the governing body of the requesting jurisdiction adopts a resolution approving the annexation and the related plan amendment.

- The annexation is authorized if a simple majority of the voters approves the ballot measure.
- Only elected officials of a participating fire protection jurisdiction and elected commissioners of the Authority are eligible to serve on the Authority's governing board.

**SHB 1860: REGARDING PARTISAN ELECTIONS**

*Prime Sponsor: Representative Hurst*

*\*SHB 1860 was not enacted, but the provisions are similar to those in SB 5119.*

**SHB 1899: CHANGING PENALTY AMOUNTS FOR PUBLIC RECORDS VIOLATIONS**

*Prime Sponsor: Representative Miloscia*

*(SB 5685 Senator Swecker)*

*\*Signed by the Governor*

- The courts have the discretion whether to make no award or to make a per-day award in any amount up to the maximum currently allowed under the Public Records Act, of \$100 per day.

**HB 1939: DEFINING FEDERALLY RECOGNIZED TRIBES AS AGENCIES FOR PURPOSES OF AGENCY-AFFILIATED COUNSELORS**

*Prime Sponsor: Representative Appleton*

*(SB 5306 Senator Chase)*

*\*Signed by the Governor*

- Counselors employed by federally recognized Indian tribes are included in the definition of agency-affiliated counselors for purposes of qualifying for credentials from the Department of Health.

**HB 1953: CONCERNING COUNTY AND CITY REAL ESTATE EXCISE TAXES**

*Prime Sponsor: Representative Springer*

*(SB 5755 Senator Ranker)*

*\*HB 1598 was not enacted, but the provisions are similar as described below:*

- Each year through calendar year 2016, a city, town, and county may use the greater of \$100,000 or 35 percent of real estate excise tax revenues, but not exceeding \$1 million, to pay for the operations and maintenance expenditures of existing capital facilities.

**EHB 1969: CONCERNING THE EXEMPTION OF FLOOD CONTROL ZONE DISTRICTS THAT ARE COEXTENSIVE WITH A COUNTY FROM CERTAIN LIMITATIONS UPON REGULAR PROPERTY TAX LEVIES**

*Prime Sponsor: Representative Hasegawa*

*\*Signed by the Governor*

- For taxes levied for collection in 2012 through 2017, a flood control zone district in a county with a population of 775,000 or more with boundaries coextensive with a county may place up to \$.25 cents of the district's \$.50 cent levy outside the \$.90 limit to avoid pro-rationing.
  - Should the constitutional \$10 limit be exceeded, a flood control zone district will be the first levy to be prorated.
- \*ESB 5638 was not enacted, but the provisions are similar as described below:*
- Allows the entire regular property tax levy of a qualifying district to be protected from pro-rationing under the \$.90 limit beginning with taxes due in 2012, with no expiration date.
  - Qualifying districts are flood control zone districts and metropolitan park districts in counties with populations of 1.5 million or more and in the case of flood control zone districts, having boundaries coextensive with a county.
  - Should the \$10 limit be exceeded, the flood control zone district is the first priority to be pro-rationed.

**HJM 4004: REQUESTING THE DESIGNATION OF AN "HONOR AND REMEMBER FLAG" AS AN OFFICIAL SYMBOL TO RECOGNIZE ARMED FORCES MEMBERS WHO HAVE DIED IN THE LINE OF DUTY**

*Prime Sponsor: Representative Short*

- Requests that the Senate and House of Representatives of the United States enact a bill to create an "Honor and Remember Flag" to serve as a national symbol and establish a permanent national flag to fly continuously in eternal honor and remembrance of those who have given their lives in military service for our nation.

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# HEALTH & LONG-TERM CARE

786-7456

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## **ESB 5005: CONCERNING EXEMPTION FROM IMMUNIZATION**

*Prime Sponsor: Senator Keiser*

*(HB 1015 Representative Bailey)*

*\*Signed by the Governor*

- Parents or guardians who seek an exemption from mandatory vaccines for their school age children must show proof they have discussed the risks and benefits of vaccines with a qualified health care provider.
- Parents or guardians who seek an exemption from vaccines and belong to a religious entity that does not recognize medical care are not required to consult with health care providers before receiving the exemption.

## **SSB 5018: INCLUDING WOUND CARE MANAGEMENT IN OCCUPATIONAL THERAPY**

*Prime Sponsor: Senator Keiser*

*(HB 1076 Representative Moeller)*

*\*Signed by the Governor*

- Occupational therapists are authorized to practice wound care under the direction of a referring physician or other health care practitioner.
- Wound care includes specific activities described in the act.
- Specific training is required. The Department of Health is directed to write rules pertaining to wound care for occupational therapists.

## **SSB 5042: CONCERNING THE PROTECTION OF VULNERABLE ADULTS**

*Prime Sponsor: Senator Keiser*

*(HB 1104 Representative Moeller)*

*\*Signed by the Governor*

- Activities that constitute financial exploitation of vulnerable adults are clarified in statute and more definitions are provided.
- Property is more broadly defined than is currently described in statute.
- The Department of Social and Health Services (DSHS) must provide an alleged victim of abuse or neglect with a written statement of his or her rights afforded under state law.
- DSHS is not liable for investigations carried out on tribal land after they have been handed over to the jurisdiction of the tribe.

## **E2SSB 5073: CONCERNING THE MEDICAL USE OF CANNABIS**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 1100 Representative Moeller)*

*\*Signed by the Governor/partial veto*

- ~~The Department of Health (DOH) must establish a patient registry on which authorized medical cannabis patients may register. Registration on a patient registry provides qualified patients with arrest and prosecution protection.~~(PV)
- Qualified patients and their designated providers may form collective gardens for the production of cannabis exclusively for medical use.
- ~~The DOH must adopt rules for licensing dispensaries for the sale of cannabis to qualified patients for medical use.~~ (PV)
- ~~The Department of Agriculture must adopt rules for licensing producers and processors of cannabis products. Producers and processors may sell cannabis and cannabis products to licensed dispensaries.~~ (PV)

## **ESSB 5122: MAKING THE NECESSARY CHANGES FOR IMPLEMENTATION OF THE AFFORDABLE CARE ACT IN WASHINGTON STATE**

*Prime Sponsor: Senator Keiser*

*(HB 1302 Representative Jinkins)*

*\*Signed by the Governor*

- Health insurance statutes are modified to reflect new federal law extending dependent coverage to age 26, removing lifetime benefit maximums and requiring coverage for those under age 19 cover pre-existing

conditions. Federal definitions are adopted for adverse benefit determination, final external review, final internal adverse benefit determination, and grandfathered health plans.

- The grievance process is modified for plans, requirements for the independent review of appeals are modified, and the rate remittance calculated for individual health plans is removed.
- Parallel changes are made to the high-risk pool to extend coverage for dependents to age 26 and remove the lifetime maximum benefit, and provisions are made to allow the pool to waive the recertification of the standard health questionnaire and the rebidding of the pool if the program will be discontinued during the required review cycle.
- Health care sharing ministries are not health carriers or insurers under state insurance laws and must follow the federal definition provided in the Internal Revenue Code.

**SB 5149:           REQUIRING THE DEPARTMENT OF HEALTH TO COLLECT  
CURRENT AND PAST EMPLOYMENT INFORMATION IN THE  
CANCER REGISTRY PROGRAM**

*Prime Sponsor: Senator Keiser*

*\*Signed by the Governor*

- Requires that a patient's usual occupation, or primary occupation before retirement, be reported to the Washington State Cancer Registry.

**SSB 5152:       REGARDING NATUROPATHIC PHYSICIANS**

*Prime Sponsor: Senator Pflug*

*(SHB 1228 Representative Green)*

*\*Signed by the Governor*

- Modifies the scope of practice of naturopaths by removing a statutory limitation to non-invasive modalities and permits naturopaths to prescribe all contraceptive devices, not just nondrug devices.

**ESSB 5307:      CONCERNING EVALUATING MILITARY TRAINING AND  
EXPERIENCE TOWARD MEETING LICENSING REQUIREMENTS IN  
MEDICAL PROFESSIONS**

*Prime Sponsor: Senator Kilmer*

*(SHB 1417 Representative Rolfes)*

*\*Signed by the Governor*

- Requires military training or experience to be recognized toward licensure for certain health professions, unless the training or experience is determined not to be equivalent to state standards.

**ESSB 5371:      ADDRESSING THE NEEDS FOR HEALTH INSURANCE COVERAGE  
FOR PERSONS UNDER AGE NINETEEN**

*Prime Sponsor: Senator Keiser*

*\*Signed by the Governor*

- Health insurance carriers must provide coverage for children under 19 without the application of pre-existing condition exclusions, consistent with federal law.
- The Office of Insurance Commissioner must establish rules for an open enrollment period that will allow children under 19 to enroll in individual health plans without a health screening, and for special enrollment criteria that is triggered by a qualifying event.
- The Washington State Health Insurance Pool, the high-risk pool, must include children under 19 that do not have access to individual plan open enrollment, special enrollment, or the federal Pre-existing Condition Insurance Pool, and may not impose a pre-existing condition waiting period.

**SSB 5386:       CREATING AN ORGAN DONATION WORK GROUP**

*Prime Sponsor: Senator Pridemore*

*\*Signed by the Governor*

- A work group is created to study ways of increasing organ donation in Washington State.
- The work group's membership is described and a report on its findings is due to the Legislature by December 30, 2011.

**SSB 5394: CONCERNING PRIMARY CARE HEALTH HOMES AND CHRONIC CARE MANAGEMENT**

*Prime Sponsor: Senator Keiser*

*(HB 1719 Representative Jinkins)*

*\*Signed by the Governor*

- State purchasing efforts for Medicaid, Basic Health, and the Public Employees Benefits Board Programs must include contracts that encourage primary care health homes.
- Contracts must include provider reimbursement methods that incentivize chronic care management, reward health homes that reduce emergency department and inpatient use, and promote provider training in the Medical Home Learning Collaborative.
- Health home services may be prioritized to enrollees with complex, high cost, or multiple chronic conditions and contract provisions must be within existing resources.
- The Department of Social and Health Services must work with the federal Centers for Medicare and Medicaid Innovation and seek funding opportunities to support primary care health homes.

**SSB 5445: ESTABLISHING A HEALTH BENEFIT EXCHANGE**

*Prime Sponsor: Senator Keiser*

*(ESHB 1740 Representative Cody)*

*\*Signed by the Governor*

- A public-private partnership separate and distinct from the state is established as a precursor to the development of an Insurance Exchange, to be operational by January 1, 2014. Limited duties are provided to enable the Exchange to apply for grants, establish infrastructure, and begin development of an Exchange.
- An Exchange board must be appointed by the Governor by December 15, 2011, with nominations and membership expectations outlined.
- The Health Care Authority must collaborate with the Joint Select Committee on Health Reform in assessing a broad range of policy options and design features for the Exchange. Recommendations are due to the Legislature by January 1, 2012.
- The duties and responsibilities assigned to the Health Care Authority for the Exchange will be transferred to the Exchange and its board beginning March 15, 2012.

**SB 5480: CONCERNING SUBMISSION OF CERTAIN INFORMATION BY PHYSICIANS AND PHYSICIAN ASSISTANTS AT THE TIME OF LICENSE RENEWAL**

*Prime Sponsor: Senator Conway*

*\*Signed by the Governor*

- The Medical Quality Assurance Commission (MQAC) must request licensees to submit information about their current professional practice at the time of license renewal.
- MQAC may determine the information to be requested, which may include practice setting, medical specialty, board certification, or other relevant data.

**E2SSB 5596: REQUIRING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO SUBMIT A DEMONSTRATION WAIVER REQUEST TO REVISE THE FEDERAL MEDICAID PROGRAM**

*Prime Sponsor: Senator Parlette*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- The Department of Social and Health Services must submit a request to the federal Centers for Medicare and Medicaid for a Medicaid demonstration waiver.
- The proposal must include a number of modifications for the Medicaid program, including a base-year, eligibility group per capita payment, and other opportunities to increase flexibility with program design and delivery.
- The department must provide status reports to the Joint Select Committee on Health Reform Implementation and provide opportunities for stakeholders to review and comment on the proposal as it is developed.

**ESSB 5708: CREATING FLEXIBILITY IN THE DELIVERY OF LONG-TERM CARE SERVICES**

*Prime Sponsor: Senator Keiser*

*(SHB 1901 Representative Cody)*

*\*Signed by the Governor*

- Residents in boarding homes who reside in non-licensed rooms may receive services that include medication assistance, wellness programs, nutrition counseling, and technology-based monitoring.
- Nursing homes may monitor their discharged patients by phone.
- The Department of Social and Health Services must convene a workgroup to identify ways to incentivize nursing facilities to reduce nursing home beds.

**SHB 1133: REQUIRING MASSAGE PRACTITIONERS TO INCLUDE THEIR LICENSE NUMBERS ON ADVERTISING AND DISPLAY A COPY OF THEIR LICENSE OR MAKE IT AVAILABLE UPON REQUEST**

*Prime Sponsor: Representative Jinkins*

*\*Signed by the Governor*

- Massage practitioners must include their names and license numbers on all advertisements.
- Massage practitioners must display their licenses at their places of business.

**HB 1181: CREATING THE WASHINGTON STATE BOARD OF NATUROPATHY**

*Prime Sponsor: Representative Green*

*(SB 5037 Senator Keiser)*

*\*Signed by the Governor*

- Creates the Washington State Board of Naturopathy.
- The Board of Naturopathy has seven members and is responsible for setting minimum education and experience requirements, administering licensing examinations, and disciplining naturopaths in cases of unprofessional conduct.

**ESHB 1183: REGARDING CERTAIN OSTEOPATHIC OR ALLOPATHIC MEDICAL SCHOOLS PROHIBITING HOSPITALS OR PHYSICIANS FROM ENTERING INTO AGREEMENTS TO PROVIDE CLINICAL ROTATIONS TO QUALIFIED OSTEOPATHIC OR ALLOPATHIC MEDICAL STUDENTS**

*Prime Sponsor: Representative Johnson*

*(SB 5548 Senator King)*

*\*Signed by the Governor*

- Entities that receive state funds may not prohibit a hospital or physician from entering into an agreement to provide student clinical rotations to qualified osteopathic or allopathic medical students.

**HB 1190: CONCERNING BILLING FOR ANATOMIC PATHOLOGY SERVICES**

*Prime Sponsor: Representative Hinkle*

*\*Signed by the Governor*

- Claims for payment for anatomic pathology services (laboratory services) must be submitted directly to the patient, the insurer, the hospital or clinic that ordered the service, the referring laboratory, or the appropriate governmental agency.
- No licensed practitioner in the state may directly or indirectly bill for anatomic pathology services unless the services were provided by the practitioner or under the practitioner's supervision.
- Laboratories that refer to another physician or laboratory for consultation or processing are exempt from the requirement that the service be provided by the practitioner or under their supervision.

**ESHB 1220: REGULATING INSURANCE RATES**

*Prime Sponsor: Representative Rolfes*

*(SB 5120 Senator Keiser)*

*\*Signed by the Governor*

- The rate filing submitted by a health carrier for the individual and small group health insurance is available for public inspection, except for the numeric values of each small group rating factor.
- New insurance products are exempt for one year.

- All health carriers submitting individual and small group rate filings must submit the information required by the U.S. Department of Health and Human Services, Part 1 and Part 2 rate summary information. The information must be available for the public ten days after the filing is determined to be complete.

**HB 1303: CONCERNING THE INSURANCE COMMISSIONER'S AUTHORITY TO REVIEW AND DISAPPROVE RATES FOR CERTAIN INSURANCE PRODUCTS**

*Prime Sponsor: Representative Jinkins*

*(SB 5398 Senator Keiser)*

*\*Signed by the Governor*

- Repeals the expiration date on the Office of Insurance Commissioner's authority to review and disapprove individual market rates.

**SHB 1304: CONCERNING THE ADMINISTRATION OF DRUGS BY HEALTH CARE ASSISTANTS**

*Prime Sponsor: Representative Jinkins*

*(SB 5454 Senator Keiser)*

*\*Signed by the Governor*

- Only category C and E health care assistants may administer over-the-counter and prescription drugs.

**ESHB 1311: CREATING A COLLABORATIVE TO IMPROVE HEALTH CARE QUALITY, COST-EFFECTIVENESS, AND OUTCOMES**

*Prime Sponsor: Representative Cody*

*\*Signed by the Governor*

- The Robert Bree Collaborative is established to identify (1) up to three health care services annually for which there are substantial variations in practice patterns or high utilization trends; (2) evidence-based best practices to improve quality and reduce variation; and (3) strategies for increasing the use of evidence-based practices.
- The collaborative will consist of 20 members appointed by the Governor, and the collaborative must establish a clinical committee for each health care service under review.
- The collaborative must report to the Health Care Authority on the selected health services and strategies for consideration and potential adoption in state purchased health care programs. Reports will also be submitted to the Legislature annually.

**SHB 1315: CONCERNING THE EMPLOYMENT OF PHYSICIANS BY NURSING HOMES**

*Prime Sponsor: Representative Kelley*

*(SB 5396 Senator Murray)*

*\*Signed by the Governor*

- Nursing homes are explicitly permitted to employ physicians on staff.
- Residents are free to choose other physicians if they prefer someone other than the staff physician.

**HB 1353: CONCERNING CONTINUING EDUCATION FOR PHARMACY TECHNICIANS**

*Prime Sponsor: Representative Rivers*

*\*Signed by the Governor*

- Certified pharmacy technicians must complete continuing education requirements established by the Board of Pharmacy.

**HB 1454: REGARDING TESTING FOR BLOODBORNE PATHOGENS**

*Prime Sponsor: Representative Van De Wege*

*\*Signed by the Governor*

- High-risk workers may request tests for other blood borne pathogens besides HIV after exposure to bodily fluids in the course of their work.
- All privacy provisions regarding disclosure of information related to test results apply.

## **HB 1488: UPDATING THE AUTHORITY OF THE STATE BOARD OF HEALTH**

*Prime Sponsor: Representative Jinkins*

*\*Signed by the Governor*

- Statutes directing activities of the state Board of Health are updated.
- The Board is no longer required to produce the state public health report every two years.
- Outdated language in code is repealed.

## **SHB 1493: PROVIDING GREATER TRANSPARENCY TO THE HEALTH PROFESSIONS DISCIPLINARY PROCESS**

*Prime Sponsor: Representative Pedersen*

*\*Signed by the Governor*

- Complainants in a disciplinary proceeding under the Uniform Disciplinary Act may supplement the contents of their complaints and license holders may respond to the additional information.
- Disciplining authorities must promptly respond to inquiries regarding the status of a complaint and provide complainants or license holders with information relating to the complaint.
- Complainants may submit an oral or written impact statement which must be provided to the subject of the complaint.

## **ESHB 1494: CONCERNING VULNERABLE ADULT REFERRAL AGENCIES**

*Prime Sponsor: Representative Moeller*

*\*Signed by the Governor*

- Requires elder referral agencies to provide upfront disclosure to consumers informing them about fees, refunds, services, necessary authorizations, and other consumer protection measures.
- Requires agencies to conduct an intake process that includes gathering information about medical, behavioral, cultural, language, and other needs relevant for the referral process.
- Requires agencies to conduct a web search of any posted violations of providers used in the referral within 30 days and to inform clients of any violations if found.
- The act puts the practices of elder referral agencies under the state's Consumer Protection Act.
- Directs the Department of Licensing to convene a workgroup on the feasibility of future licensing of elder referral agencies.

## **EHB 1517: REQUIRING COMPARABLE COVERAGE FOR PATIENTS WHO REQUIRE ORALLY ADMINISTERED ANTICANCER MEDICATION**

*Prime Sponsor: Representative Jinkins*

*\*Signed by the Governor*

- All regulated insurance carriers, including the health plans offered through the Public Employees Benefits Board Program, that provide coverage for chemotherapy must provide coverage for prescribed, self-administered anti-cancer medication on a basis at least comparable to chemotherapy medications administered by a health care provider or facility.
- Health carriers may use a formulary or preferred drug list, require prior authorization, or impose other appropriate utilization control in approving coverage for chemotherapy.
- Health carriers offering individual or small group products must report to the health committees of the Legislature by November 1, 2013, with a summary of their cost experience.

## **SHB 1560: CONCERNING THE HEALTH INSURANCE PARTNERSHIP**

*Prime Sponsor: Representative Cody*

*\*Signed by the Governor*

- The Health Insurance Partnership Program eligibility is modified to require small employers to not offer insurance for at least six months prior to Program application.
- Eliminates the requirement that participating small employers establish a cafeteria plan for health benefit premiums.

**SHB 1575: CLARIFYING WHICH SURGICAL FACILITIES THE WASHINGTON STATE DEPARTMENT OF HEALTH IS MANDATED TO LICENSE PURSUANT TO CHAPTER 70.230 RCW**

*Prime Sponsor: Representative Cody*

*(SB 5619 Senator Keiser)*

*\*Signed by the Governor*

- The definition of ambulatory surgical facility is modified to require licensure of these facilities by the Department of Health.

**SHB 1595: REGARDING GRADUATES OF FOREIGN MEDICAL SCHOOLS**

*Prime Sponsor: Representative Cody*

*\*Signed by the Governor*

- Foreign medical school graduates are exempt from the two-year postgraduate medical training requirement if they have been admitted as a permanent immigrant to the United States as a person of exceptional ability in the sciences and completed at least 24 months of multiple sclerosis specialty training.

**SHB 1614: CONCERNING THE TRAUMATIC BRAIN INJURY STRATEGIC PARTNERSHIP**

*Prime Sponsor: Representative Dickerson*

*\*Signed by the Governor*

- The Traumatic Brain Injury (TBI) Strategic Partnership Advisory Council is changed to include more members with TBI experience.
- The Advisory Council is directed to update the statewide plan and include recommendations,
- The Department of Social and Health Services (DSHS) is allowed to accept gifts, grants and other private contributions to carry out the purpose of the act.
- DSHS is directed to provide funding for TBI support groups.

**HB 1640: CONCERNING RESPIRATORY CARE PRACTITIONERS**

*Prime Sponsor: Representative Green*

*\*Signed by the Governor*

- Respiratory care practitioners may work under the order and direction of health care practitioners, including physicians, osteopathic physicians and surgeons, podiatric physicians and surgeons, advanced registered nurse practitioners, naturopaths, physician assistants, and osteopathic physician assistants.

**2E2SHB 1738: CHANGING THE DESIGNATION OF THE MEDICAID SINGLE STATE AGENCY**

*Prime Sponsor: Representative Cody*

*(SB 5477 Senator Murray)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- The Health Care Authority (HCA) is designated as the single state agency for the administration and supervision of Washington's State Medicaid program.
- All responsibilities for the medical assistance programs and the State Children's Health Insurance Program are transferred to the HCA, including all the employees of the Medicaid Purchasing Administration, rules, and apportionments of budgeted funds.
- The Department and Social and Health Services and HCA must enter interagency agreements establishing the division of responsibility between the two agencies in a number of areas, including chemical dependency, developmental disabilities, mental health and long-term care services.
- By December 10, 2011, the two agencies must provide a preliminary report to the Governor and Legislature regarding the role of the HCA in purchasing mental health, chemical dependency, and long-term care services, with a final implementation plan due by December 1, 2012.

## **ESHCR 4404: CONTINUING THE WORK OF THE JOINT SELECT COMMITTEE ON HEALTH REFORM IMPLEMENTATION**

*Prime Sponsor: Representative Schmick*

*(SB 5508 Senator Parlette)*

- The Joint Select Committee on Health Reform Implementation is continued through June 30, 2014, with ten legislators – five from the House and five from the Senate. The chairs of the health committees are co-chairs.
- The co-chairs may establish advisory committees on specific topic areas, and must form an advisory committee to review the Department of Social and Health Services and Health Care Authority consolidation and their planning and consideration for other services including long-term care, mental health, and behavioral health services (as established in E2SHB 1738).

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# HIGHER EDUCATION & WORKFORCE DEVELOPMENT

786-7415

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**SSB 5071: PROVIDING LICENSED MIDWIVES AND MARRIAGE AND FAMILY THERAPISTS ONLINE ACCESS TO THE UNIVERSITY OF WASHINGTON HEALTH SCIENCES LIBRARY**

*Prime Sponsor: Senator Murray*

*(HB 1176 Representative Green)*

*\*Signed by the Governor*

- Midwives and marriage and family therapists pay a license fee surcharge of up to \$25 for online access to selected clinical resources at the University of Washington Health Sciences Library.

**E2SSB 5182: ESTABLISHING THE OFFICE OF STUDENT FINANCIAL ASSISTANCE AND THE COUNCIL FOR HIGHER EDUCATION BY ELIMINATING THE HIGHER EDUCATION COORDINATING BOARD AND TRANSFERRING ITS FUNCTIONS TO VARIOUS ENTITIES.**

*Prime Sponsor: Senator White*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- The Office of Student Financial Assistance is created to administer all student financial aid and the GET program beginning on July 1, 2012.
- On July 1, 2012, the Higher Education Coordinating Board (HECB) is eliminated and a council for higher education is created subject to the recommendations of a steering committee.
- A higher education steering committee, chaired by the Governor or the Governor's designee, is established to determine the composition of the council for higher education, review coordination, planning, and communication for higher education, and to establish the functions of the council.
- Savings are achieved by eliminating the HECB and various reporting and policy functions.
- ~~Immediately transfers powers, duties, and functions of the Higher Education Coordinating Board pertaining to student financial aid to the new Office of Student Financial Assistance.~~ (PV)

**SSB 5442: REQUIRING THE DEVELOPMENT OF THREE-YEAR BACCALAUREATE PROGRAMS**

*Prime Sponsor: Senator Shin*

*\*Signed by the Governor*

- The state and regional universities and The Evergreen State College may develop accelerated baccalaureate degree programs that will allow academically qualified students to obtain a degree in three years without attending summer classes or enrolling in more than a full-time class load.
- Qualified students in such programs must be allowed to begin course work within their academic field during their first term or semester of enrollment.
- The institutions must report on their plans for these accelerated programs to the Higher Education Coordinating Board for approval.

**SB 5463: REQUIRING THE COLLEGE BOARD TO ESTABLISH MINIMUM STANDARDS FOR COMMON STUDENT IDENTIFIERS**

*Prime Sponsor: Senator Kilmer*

*\*Signed by the Governor*

- The State Board for Community and Technical Colleges must establish minimum standards for common student identifiers.
- A student will receive an identifier upon enrolling at any community or technical college and will retain it when transferring to any other college district.

**2SSB 5636: CONCERNING THE UNIVERSITY CENTER OF NORTH PUGET SOUND**

*Prime Sponsor: Senator Haugen*  
*\*Signed by the Governor*

*(HB 1792 Representative Sells)*

- Management and leadership of the University Center of North Puget Sound is assigned to Washington State University (WSU).
- WSU is required to collaborate with the University Center at Everett Community College (University Center) and other university partners that offer baccalaureate degrees at the University Center to create a Coordinating and Planning Council and develop a strategic plan.
- The strategic plan must be completed by December 1, 2012, and must be submitted to the Legislature for review. If the Legislature takes no further action, the transfer of operation and management to WSU occurs by July 1, 2014.
- The act is contingent on Higher Education Coordinating Board recommendations that are due by July 1, 2012.

**SSB 5664: CONCERNING THE LAKE WASHINGTON INSTITUTE OF TECHNOLOGY**

*Prime Sponsor: Senator McAuliffe*  
*\*Signed by the Governor*

- The name of Lake Washington Technical College is changed to Lake Washington Institute of Technology.

**ESSB 5749: REGARDING THE WASHINGTON ADVANCED COLLEGE TUITION PAYMENT (GET) PROGRAM**

*Prime Sponsor: Senator Brown*  
*\*Passed during the 1st Special Legislative Session*  
*\*Signed by the Governor/partial veto*

- ~~The members on the Committee on Advanced Tuition Payment (Committee) are appointed by the Governor for four year terms and two additional representatives of private business appointed by the Governor are added.~~ (PV)
- The Committee on Advanced Tuition Payment (Committee) utilizes the State Actuary in reviewing the Guaranteed Education Tuition Program rather than a nationally recognized actuary; but the Committee may, at its discretion, obtain an assessment by a nationally recognized actuary.
- The Committee, with the State Actuary, reviews the program in light of passage of E2SHB 1795 (Higher Education Opportunity Act) and makes any necessary changes to the program for units purchased on or after September 1, 2011.
- A Legislative Advisory Committee to the Committee is established to provide advice regarding the administration of the program.

**SHB 1089: REGARDING INSTRUCTIONAL MATERIALS PROVIDED IN A SPECIALIZED FORMAT**

*Prime Sponsor: Representative McCoy*  
*\*Signed by the Governor/partial veto*

- An institution that provides instructional material in a specialized format version to a student with a print access disability may not require the student to return the specialized format.
- A limited exception allows the institution to require the student to return the specialized format only if (1) the institution has determined it is not required to allow a student to retain the specialized format under the Americans with Disabilities Act and (2) the institution translated or transcribed the material into the specialized format at its own expense and the cost to reproduce a copy is greater than \$100.
- Intent section vetoed. (PV)

**HB 1424: REGARDING ADMINISTRATIVE CONSISTENCY IN STUDENT FINANCIAL AID PROGRAMS**

*Prime Sponsor: Representative Jacks*

*(SB 5483 Senator Shin)*

*\*Signed by the Governor*

- Aligns repayment terms for the Health Professionals Conditional Loan and Scholarship Program and the Future Teachers Conditional Loan and Scholarship program.
- The Higher Education Coordinating Board establishes an appeals process for both the Health Professionals and Future Teachers programs.

**HB 1425: CONCERNING THE HIGHER EDUCATION COORDINATING BOARD'S RESPONSIBILITIES WITH REGARD TO HEALTH SCIENCES AND SERVICES AUTHORITIES**

*Prime Sponsor: Representative Haler*

*(SB 5484 Senator Shin)*

*\*Signed by the Governor*

- Eliminates the Higher Education Coordinating Board's (HECB) reporting requirement on the effectiveness of the Health Sciences and Services Authority program.
- The HECB continues to develop evaluation criteria enabling local governments to measure the effectiveness of the program.

**HB 1477: AUTHORIZING THE BOARD OF TRUSTEES AT EASTERN WASHINGTON UNIVERSITY TO OFFER EDUCATIONAL SPECIALIST DEGREES**

*Prime Sponsor: Representative Schmick*

*\*Signed by the Governor*

- The Board of Trustees of the Eastern Washington University is authorized to offer an educational specialist degree, subject to review and approval by the Higher Education Coordinating Board.

**HB 1586: REGARDING THE PROVISION OF DOCTORATE PROGRAMS AT THE RESEARCH UNIVERSITY BRANCH CAMPUSES IN WASHINGTON**

*Prime Sponsor: Representative Seaquist*

*(SB 5315 Senator Becker)*

*\*Signed by the Governor*

- Authorizes the University of Washington and Washington State University to develop doctoral degree programs at their branch campuses, subject to the Higher Education Coordinating Board's (HECB) approval.
- Utilizes the HECB assessment process to determine whether the proposed doctoral level programs are needed and viable.

**SHB 1663: REMOVING THE REQUIREMENT THAT INSTITUTIONS OF HIGHER EDUCATION PURCHASE FROM CORRECTIONAL INDUSTRIES**

*Prime Sponsor: Representative Parker*

*\*Signed by the Governor/partial veto*

- Institutions of higher education are not required to seek an exemption from the Office of Financial Management with regards to purchasing from the Department of Corrections (DOC).
- Institutions must try to ensure that DOC receives notification of bid opportunities.
- ~~Contains an emergency clause.~~ (PV)

**SHB 1822: ESTABLISHING THE FIRST NONPROFIT ONLINE UNIVERSITY**

*Prime Sponsor: Representative Kenney*

*(SSB 5136 Senator Kastama)*

*\*Signed by the Governor*

- Western Governors University (WGU) -Washington is recognized as a Washington baccalaureate degree-granting institution that is self-supporting.

- The Higher Education Coordinating Board (HECB) may work to eliminate unnecessary barriers to the delivery of online, competency-based education and work with WGU-Washington to integrate its academic programs and services into state policy and strategy.
- The HECB must work with WGU-Washington to create data-sharing processes and performance assessments.
- Any modifications in contractual terms or relationships, or changes in nonprofit status, will require consultation and approval by the HECB.

## **ESHB 1846: CREATING THE AEROSPACE TRAINING STUDENT LOAN PROGRAM**

*Prime Sponsor: Representative Eddy*

*(SB 5674 Senator Eide)*

*\*Signed by the Governor*

- The Aerospace Training Student Loan Program (Program) is created for eligible students who are registered for an aerospace training or educational program, which is defined as a course in the aerospace industry offered by either the Washington Aerospace Training and Research Center or the Spokane Aerospace Technology Center.
- The Higher Education Coordinating Board must administer the Program, which includes screening and selecting eligible students and awarding loans to eligible students for up to one year of tuition and fees.
- The Aerospace Training Student Loan Account is created in the custody of the State Treasurer and must be self-sustaining. The expenditures from the account may only be used for student loans to participants in the Program and costs associated with program administration.

## **2SHB 1909: PROMOTING INNOVATION AT COMMUNITY AND TECHNOLOGY COLLEGES**

*Prime Sponsor: Representative Reykdal*

*\*Signed by the Governor*

- The Community and Technical College Innovation Account (Account) is created to implement the Strategic Technology Plan for improving student achievement and system-wide efficiencies. The community and technical colleges must transfer up to 3 percent of student operating fees to the Account.
- The director of the State Board for Community and Technical Colleges may only use the Account for (1) paying off debt for financing contracts, or (2) projects that implement the Strategic Technology Plan.
- Community and technical colleges are no longer required to round tuition and fees to the nearest dollar amount.

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# HUMAN SERVICES & CORRECTIONS

786-7414

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**ESSB 5020: PROTECTING CONSUMERS BY ASSURING PERSONS USING THE TITLE OF SOCIAL WORKER HAVE GRADUATED WITH A DEGREE IN SOCIAL WORK FROM AN EDUCATIONAL PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION**

*Prime Sponsor: Senator Murray*

*(HB 1043 Representative Orwall)*

*\*Signed by the Governor*

- A person may use the designation of social worker only if the person is licensed by the Department of Health as a social worker, or has graduated with at least a bachelor's degree from an accredited social work educational program.
- References to the term social worker throughout the RCW are updated to include educational requirements.
- The social work title is removed for positions that do not require social work education, including caseworkers with the Department of Social and Health Services.

**SSB 5025: CONCERNING MAKING REQUESTS BY OR ON BEHALF OF AN INMATE UNDER THE PUBLIC RECORDS ACT INELIGIBLE FOR PENALTIES**

*Prime Sponsor: Senator Hargrove*

*(HB 1034 Representative Takko)*

*\*Signed by the Governor*

- The court may not award financial penalties to a person serving a criminal sentence who petitions for an agency's failure to provide records in response to a public records request unless the agency denied or withheld records in bad faith.

**SSB 5097: CONCERNING JUVENILES WITH DEVELOPMENTAL DISABILITIES WHO ARE IN CORRECTIONAL DETENTION CENTERS, JUVENILE CORRECTION INSTITUTIONS OR FACILITIES, AND JAILS**

*Prime Sponsor: Senator Delvin*

*\*Vetoed in its entirety.*

- ~~Establishes a workgroup to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities, and requires the workgroup to make recommendations to the Legislature.~~
- ~~Requires the workgroup, if recommended, to develop a simple screening tool, a model policy, cost effective training, and other tools to identify and assist juveniles who are confined and who may have a developmental disability.~~

**ESSB 5105: ADDRESSING THE CONDITIONAL RELEASE OF PERSONS COMMITTED AS CRIMINALLY INSANE TO THEIR COUNTY OF ORIGIN**

*Prime Sponsor: Senator Carrell*

*\*Signed by the Governor*

- A state hospital may not support a petition for conditional release on behalf of a person committed as criminally insane unless it contains a condition stating that the patient must reside in the patient's county of origin.
- County of origin is defined as the county in which the patient was acquitted by reason of insanity and which ordered the patient's commitment to the state hospital.
- Exceptions are available if the state hospital determines that release to the county of origin would not be appropriate based on court-issued protection orders, victim safety concerns, the availability of appropriate

treatment, negative influences on the person, or the location of family or other organizations offering support to the patient.

**SB 5172: AUTHORIZING THE USE OF SHORT-TERM, ON-SITE CHILD CARE FOR THE CHILDREN OF FACILITY EMPLOYEES**

*Prime Sponsor: Senator Brown*

*\*Signed by the Governor*

- Authorizes specific facilities to provide unlicensed child care for up to two hours when the child's parent or legal guardian is on the premises for employment purposes.

**SSB 5187: CONCERNING THE ACCOUNTABILITY OF MENTAL HEALTH PROFESSIONALS EMPLOYED BY AN EVALUATION AND TREATMENT FACILITY FOR COMMUNICATING WITH A PARENT OR GUARDIAN ABOUT THE OPTION OF PARENT-INITIATED MENTAL HEALTH TREATMENT**

*Prime Sponsor: Senator Becker*

*\*Signed by the Governor*

- A hospital emergency room or inpatient psychiatric facility which provides services to minors must inform a parent or guardian of a minor who is seeking treatment for the minor of all statutorily available treatment options, including the option for parent-initiated treatment.
- The notice must be provided verbally and in writing, and a signed acknowledgment of receipt must be retained by the facility.
- Failure of the facility to provide notice can result in a \$1,000 fine or adverse action against the facility's license.
- The Department of Social and Health Services and the Department of Health must provide a report by December 1, 2012 to the Legislature regarding the facilities' compliance with the notice requirement.

**SSB 5203: IMPROVING THE ADMINISTRATION AND EFFICIENCY OF SEX AND KIDNAPPING OFFENDER REGISTRATION**

*Prime Sponsor: Senator Regala*

*\*Signed by the Governor*

- Fixed residence is defined to mean a building that a person lawfully and habitually uses as living quarters a majority of the week.
- A person with a federal or out-of-state conviction for a sex offense may request to be removed from the registry if the person was relieved of the duty to register in the person's state of conviction.
- Two or more prior felony convictions for failure to register will classify a new conviction for failure to register as a class B felony regardless if those convictions were in Washington or in another state.

**SSB 5204: CONCERNING JUVENILES WHO HAVE BEEN ADJUDICATED OF A SEX OFFENSE**

*Prime Sponsor: Senator Regala*

*\*Signed by the Governor*

- A person who has a duty to register for a Class A kidnapping or sex offense committed as a juvenile, age 15 or older, must have spent at least 60 months in the community with no new sex or kidnapping offense before the person may petition to be relieved of the duty to register.
- A person who committed a sex offense as a juvenile and who has been relieved of the duty to register or whose duty to register has ended, may have his or her records sealed in the same manner and under the same conditions as other offenses unless the person was adjudicated of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion.
- The End of Sentence Review Committee must assign the initial risk classification for juveniles under the jurisdiction of the county juvenile court and juveniles supervised from out-of-state under the interstate compact for juveniles.

- The Superintendent of Public Instruction must publish a revised and updated sample policy for schools to follow regarding students required to register as sex or kidnapping offenders.

**SSB 5352: REGARDING PROVIDING EYEGLASSES TO MEDICAID ENROLLEES**

*Prime Sponsor: Senator Honeyford*

*(HB 1613 Representative Warnick)*

*\*Signed by the Governor*

- Private optometrists and other health professionals may purchase eyeglasses from Class II Correctional Industries and pass them on to Medicaid enrollees for the cost of acquisition.

**SB 5395: CHANGING PROVISIONS INVOLVING DOMESTIC VIOLENCE FATALITY REVIEW PANELS**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- Authorizes the Domestic Violence Fatality Review to convene statewide issue-specific fatality review panels in addition to regional domestic violence review panels.
- Requires an issue-specific review panel to make periodic reports to the Washington State Coalition Against Domestic Violence for every fatality reviewed by the panel.

**SSB 5423: MODIFYING LEGAL FINANCIAL OBLIGATION PROVISIONS**

*Prime Sponsor: Senator Regala*

*(HB 1862 Representative Roberts)*

*\*Signed by the Governor*

- The court must waive the interest on non-restitution legal financial obligations that accrued during the term of total confinement for the conviction that gave rise to the obligations if an offender files a motion and shows that the interest creates a hardship.
- When showing a good faith effort to pay in order to allow the court to reduce or waive interest on non-restitution legal financial obligations that accrued other than when an offender was incarcerated, a good faith effort means the offender has made at least 15 monthly payments within an 18 month period.
- The Administrative Office of the Courts must send billing statements for legal financial obligations periodically rather than monthly.  
*\*SB 5533 is incorporated in part into SSB 5423, as described below:*
- A judgment lien on real property resulting from a criminal sentence will continue indefinitely until the judgment is fully satisfied.
- The county clerk has the same authority as the Department of Corrections to issue an order to withhold and deliver property for the collection of legal financial obligations.

**SSB 5428: REQUIRING NOTIFICATION TO SCHOOLS REGARDING THE RELEASE OF CERTAIN OFFENDERS**

*Prime Sponsor: Senator McAuliffe*

*(SHB 1549 Representative Dahlquist)*

*\*Signed by the Governor*

- The Department of Corrections must notify the school district where an offender last attended school no later than 30 days prior to the offender's release, when the offender is 21 years of age or younger; has been found to have committed a violent offense, sex offense, or stalking; and last attended school in this state.

**SSB 5452: REGARDING COMMUNICATION, COLLABORATION, AND EXPEDITED MEDICAID ATTAINMENT CONCERNING PERSONS WITH MENTAL HEALTH OR CHEMICAL DEPENDENCY DISORDERS WHO ARE CONFINED OR COMMITTED IN A STATE INSTITUTION**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- The Department of Social and Health Services (DSHS) may inform a correctional institution of the fact, place, and date of a person's involuntary commitment for mental health treatment for the purpose of using the Post Institutional Medical Assistance System.
- An evaluation and treatment facility, crisis stabilization unit, or emergency room must make a reasonable effort to inform a peace officer of the release of a patient detained for a civil commitment evaluation when a specific request is made by the peace officer.
- DSHS must give notice of the release or escape of a state hospital patient civilly committed following a charge for a sex, violent, or felony harassment offense to the chief of police or sheriff of the city or county which had jurisdiction over the person at the time of the offense.

**SSB 5504: ADDRESSING UNLICENSED CHILD CARE**

*Prime Sponsor: Senator Eide*

*\*Signed by the Governor*

- Requires the Department of Early Learning (DEL) to notify agencies it suspects are operating without licensure about licensing requirements and consequences for failing to initiate the licensing process.
- Requires DEL to post on its website the agencies that have not initiated the licensing process within designated timelines.

**SSB 5531: REIMBURSING COUNTIES FOR PROVIDING JUDICIAL SERVICES INVOLVING MENTAL HEALTH COMMITMENTS**

*Prime Sponsor: Senator King*

*\*Signed by the Governor*

- A county may apply to its Regional Support Network (RSN) for reimbursement of its cost in providing judicial services for civil commitment cases involving persons with mental illness. The RSN must be reimbursed by the RSN which serves the area in which the patient resides.
- The reimbursement rate for each county must be based on an average of actual expenditures in the county over the past three years as established in an independent assessment by the Joint Legislative Audit & Review Committee (JLARC). JLARC must also report on the reasons why cost differences exist between the counties and recommend a method for updating the costs over time.
- No filing fee may be charged for civil commitment cases subject to reimbursement under this act.
- Judicial costs related to 180-day civil commitment hearings at the state hospitals are excluded from the reimbursement process.
- This act is effective on July 1, 2012.

**SB 5533: ADDRESSING COURT-ORDERED LEGAL FINANCIAL OBLIGATIONS COLLECTED BY THE COUNTY CLERKS**

*Prime Sponsor: Senator Hargrove*

*(HB 1276 Representative Warnick)*

*\*SB 5533 is incorporated in part into SSB 5423.*

**SB 5625: AUTHORIZING IMPLEMENTATION OF A NONEXPIRING LICENSE FOR EARLY LEARNING PROVIDERS**

*Prime Sponsor: Senator Harper*

*(SHB 1756 Representative Roberts)*

*\*Signed by the Governor*

- Allows fully licensed providers to sustain a license by meeting ongoing licensing requirements.
- Removes the requirement for providers to renew by formally reapplying every three years.

- Requires the Department of Early Learning to refer agencies that are not in good standing to the Child Care Resource and Referral Network for assistance prior to issuing a probationary license.

**ESSB 5656: CREATING A STATE INDIAN CHILD WELFARE ACT**

*Prime Sponsor: Senator Hargrove*

*(HB 1895 Representative McCoy)*

*\*Signed by the Governor*

- Creates a Washington State Indian Child Welfare Act to govern child dependency, parental termination, and adoption hearings involving an Indian child.

**SB 5681: CONCERNING BACKGROUND CHECKS OF PEER COUNSELORS FOR THE PURPOSES OF ACCESS TO CHILDREN OR VULNERABLE ADULTS**

*Prime Sponsor: Senator Pridemore*

*\*SSB 5681 is incorporated in its entirety into HB 1419.*

**SSB 5690: CONCERNING WHEN A CHILD MAY PETITION THE JUVENILE COURT TO REINSTATE THE PREVIOUSLY TERMINATED RIGHTS OF HIS OR HER PARENT**

*Prime Sponsor: Senator Hargrove*

*\*SSB 5690 is incorporated in its entirety into ESHB 1774.*

**SSB 5691: STREAMLINING THE CRIME VICTIMS' COMPENSATION PROGRAM**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor/partial veto*

- Eliminates Crime Victims' Compensation Program (CVCP) benefits for permanent partial disability and home and vehicle modifications.
- ~~Restores CVCP benefits for permanent partial disability and home and vehicle modifications on July 1, 2015.~~ (PV)
- Limits non-medical benefits to \$40,000 out of the \$50,000 per-claim benefit cap. Excludes colposcopy exams from the benefit cap.
- Simplifies administrative procedures to reduce overhead and severs the CVCP from industrial insurance laws.

**SB 5714: REGARDING BACKGROUND CHECK CLEARANCE FOR LICENSED AND REGULATED CHILD CARE FACILITIES**

*Prime Sponsor: Senator Kohl-Welles*

*\*SB 5714 was not enacted, but the provisions are substantially similar to those in 2SHB 1903.*

**SSB 5722: CONCERNING THE USE OF MONEYS COLLECTED FROM THE LOCAL OPTION SALES TAX TO SUPPORT CHEMICAL DEPENDENCY OR MENTAL HEALTH TREATMENT PROGRAMS AND THERAPEUTIC COURTS**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- A county with a population less than 25,000 which passes the local option sales tax to support chemical dependency or mental health treatment programs and therapeutic courts (mental health tax) may use up to 80 percent of monies collected to supplant funds for existing services in 2011-2012, with the percentage declining each year until permission to supplant is withdrawn in 2017.
- A county with a population more than 25,000 which passes the mental health tax may use up to 50 percent of monies collected to supplant funds for existing services in 2011-2012, with the percentage declining each year until permission to supplant is withdrawn in 2017.
- Exempts monies used to support the cost of a judicial officer and support staff of a therapeutic court from supplant restrictions.

**HB 1021: CONCERNING PERSONS APPOINTED BY THE COURT TO PROVIDE INFORMATION IN FAMILY LAW AND ADOPTION CASES**

*Prime Sponsor: Representative Goodman*

*\*HB1021 is incorporated in its entirety into ESHB 1774.*

**SHB 1037: PLACING RESTRICTIONS ON LEGAL CLAIMS INITIATED BY PERSONS SERVING CRIMINAL SENTENCES IN CORRECTIONAL FACILITIES**

*Prime Sponsor: Representative Ross*

*\*Signed by the Governor*

- Places limitations on a correctional inmate's ability to bring certain court actions without paying filing fees if the inmate has had three previous actions dismissed on the grounds that the actions were frivolous or malicious.

**SHB 1105: ADDRESSING CHILD FATALITY REVIEW IN CHILD WELFARE CASES**

*Prime Sponsor: Representative Kagi*

*(SB 5043 Senator Stevens)*

*\*Signed by the Governor*

- Requires the Department of Social and Health Services (DSHS) to conduct a child fatality review when a fatality of a minor is suspected of being caused by abuse or neglect, and the child has been in the care of or received services from DSHS or a supervising agency within one year before the child's death.
- Requires that the child fatality review team is composed of members who have no previous involvement in the case being reviewed and the review team include members with professional expertise that is pertinent to the dynamics of the case under review.
- Prohibits questioning of employees of DSHS in a civil or administrative proceeding regarding the work of the child fatality review team and examination of a witness regarding his or her interactions with the child fatality or near fatality review process.
- Authorizes the Secretary of the DSHS to receive an autopsy report for the purpose of conducting a required child fatality review.

**2SHB 1128: PROVIDING SUPPORT FOR ELIGIBLE FOSTER YOUTH UP TO AGE TWENTY-ONE**

*Prime Sponsor: Representative Roberts*

*(SB 5245 Senator Regala)*

*\*Signed by the Governor*

- Amends the definition of a youth, child, or juvenile to mean an individual age 18 to age 21 who is eligible for, and elects to receive, extended foster care services and clarifies that this definition does not apply to any other statute.
- Allows foster youth to continue to receive extended foster care services, until age 21 if the youth is participating in a secondary education program or secondary education equivalency program.
- Requires the courts to postpone the dismissal of a dependency proceeding for a youth who turns age 18 while in foster care if the youth is enrolled in a secondary educational or secondary education equivalency program.

**SHB 1170: CONCERNING TRIAGE FACILITIES**

*Prime Sponsor: Representative Roberts*

*(SB 5028 Senator Haugen)*

*\*Signed by the Governor*

- A triage facility is defined as a short-term facility designed to assess and stabilize an individual with mental illness and to determine the individual's need for involuntary commitment.
- A peace officer may detain an individual known to suffer from mental illness to a triage facility when there is reasonable cause to believe the individual has committed a non-serious misdemeanor crime.
- The Department of Social and Health Services must work with the Washington Association of Counties and the Washington Association of Sheriffs and Police Chiefs to create licensing requirements for triage facilities.

## **HB 1298: CONCERNING CHILD SUPPORT ORDER SUMMARY REPORT FORMS**

*Prime Sponsor: Representative Kelley*

*\*Signed by the Governor*

- The Child Support Order Summary Report Form is eliminated.
- The Division of Child Support must prepare a report at least every four years using data compiled from child support court and administrative orders, including information necessary to perform the quadrennial review of the child support guidelines.

## **HB 1334: AUTHORIZING CIVIL JUDGMENTS FOR ASSAULT**

*Prime Sponsor: Representative Nealey*

*(SB 5030 Senator Hewitt)*

*\*Signed by the Governor*

- The Department of Corrections (DOC) must make a deduction from deposits to an inmate account for payment of monetary damages in order to satisfy a civil judgment for assault awarded to a DOC employee who has been assaulted by the offender associated with the account.
- The deduction is 20 percent from gross wages, 15 percent from any gross gratuities, and 20 percent from all other deposits.

## **HB 1419: ALLOWING THE DEPARTMENT OF EARLY LEARNING AND THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO SHARE BACKGROUND CHECK INFORMATION**

*Prime Sponsor: Representative Kagi*

*(SB 5426 Senator Kohl-Welles)*

*\*Signed by the Governor*

- The Departments of Early Learning and Social and Health Services (DSHS) may share federal background check data in order to fulfill the statutory duties of each agency.
- \*SSB 5681 is incorporated in its entirety into HB 1419, as described below:*
- A peer counselor is not considered to have unsupervised contact with a minor if the contact is incidental and takes place at the location where the peer counseling takes place.
  - Defines peer counselor, as a counselor for a peer counseling program that has contracted with or has been approved by DSHS, another state or local agency, or the court.

## **SHB 1438: CONCERNING THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

*Prime Sponsor: Representative Kelley*

*\*Signed by the Governor*

- The Department of Corrections (DOC) must examine the patterns of other states that send offenders to Washington for supervision under the Interstate Compact to assure the Interstate Compact operates to protect the safety of the people and communities of this state.
- DOC must seek resolution by the Interstate Commission for Adult Offender Supervision regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact.

## **ESHB 1547: CONCERNING THE DEPORTATION OF CRIMINAL ALIEN OFFENDERS**

*Prime Sponsor: Representative Darneille*

*(SSB 5140 Senator Hargrove)*

*\*Signed by the Governor/partial veto*

- The Department of Corrections (DOC) may place an offender on conditional release status with Immigration and Customs Enforcement (ICE) for deportation from the United States without the approval of the sentencing court and prosecuting attorney.
- An offender who is serving a sentence for an offense other than a violent offense or sex offense may be placed on conditional release status.
- An arrest warrant for the offender's arrest if the offender ever returns to the United States must remain in effect indefinitely.
- ~~DOC must provide an offender who is subject to conditional release with a notice of rights in removal proceedings as early as feasible in the removal process.~~ (PV)

- ~~Prior to accepting a guilty plea, the court must advise a defendant that he or she may be subject to early release from custody for removal from the United States as a consequence of conviction and that the person may be able to contest the removal order. (PV)~~

**SHB 1565: CONCERNING THE MODIFICATION AND TERMINATION OF DOMESTIC VIOLENCE PROTECTION ORDERS**

*Prime Sponsor: Representative Frockt*

*\*Signed by the Governor*

- Requires respondents to permanent domestic violence protection orders and orders issued for a period of greater than two years to submit an affidavit setting forth relevant facts when filing a motion to modify or terminate an order. Requires the court to review the affidavits prior to granting a hearing on a motion.
- Prohibits the modification or termination of permanent domestic violence protection orders and orders issued for a period of greater than two years by a motion of a respondent unless the respondent proves by a preponderance of the evidence that it is warranted or that he or she will refrain from acts of domestic violence.

**SHB 1567: REQUIRING BACKGROUND INVESTIGATIONS FOR PEACE OFFICERS AND RESERVE OFFICERS AS A CONDITION OF EMPLOYMENT**

*Prime Sponsor: Representative Ross*

*(SB 5435 Senator Hargrove)*

*\*Signed by the Governor*

- An applicant for the position of fully commissioned peace officer must submit to a background check that includes a check of the applicant's criminal history.
- The Criminal Justice Training Commission may use the results of the background check, polygraph exam, and psychological exam in order to judge an applicant's suitability for employment.

**SHB 1697: PROVIDING FOR UNANNOUNCED VISITS TO HOMES WITH DEPENDENT CHILDREN**

*Prime Sponsor: Representative Roberts*

*(SSB 5393 Senator Hargrove)*

*\*Signed by the Governor*

- Requires the Department of Social and Health Services (DSHS) and supervising agencies to randomly select at least 10 percent of caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year.
- Restricts unannounced visits to caregivers through the random selection process to one unannounced visit every two years.
- Requires DSHS to use a method of random selection that does not cause fiscal impact to DSHS.

**SHB 1718: CONCERNING OFFENDERS WITH DEVELOPMENTAL DISABILITIES OR TRAUMATIC BRAIN INJURIES**

*Prime Sponsor: Representative Roberts*

*\*Signed by the Governor*

- Expands the definition of a mental health court to allow participation by a nonviolent defendant who has a developmental disability or who has suffered a traumatic brain injury.
- A jail which determines that a person in its custody has a developmental disability or traumatic brain injury must make every reasonable effort to communicate information about this disability and any necessary accommodation for the person when transferring the person to another facility.

## **ESHB 1774: CONCERNING DEPENDENCY MATTERS**

*Prime Sponsor: Representative Goodman*

*(SB 5692 Senator Swecker)*

*\*Signed by the Governor*

- Allows the Department of Social and Health Services to place a dependent child with a person with whom the child's sibling or half sibling has been placed or with the adoptive parent of a sibling or half sibling, where the person or adoptive parent has passed a criminal background check and is competent to care for the child.

*\*SSB 5690 is incorporated in its entirety into ESHB 1774, as described below:*

- Permits a child to petition the juvenile court to reinstate the previously terminated parental rights of his or her parents even if the child has achieved his or her permanency plan if the permanency plan has not been sustained.

*\*HB1021 is incorporated in its entirety into ESHB 1774, as described below:*

- Allows the court, in an adoption proceeding involving a dependent child and a minor parent, to rely on certain reports from the guardian ad litem (GAL) or the attorney representing the minor parent in the dependency proceeding.
- Allows the court, in adoption proceedings, to order the parties, as opposed to the county, to pay the fee of the GAL or attorney.

## **E2SHB 1776: REGARDING LICENSING REQUIREMENTS FOR CHILD CARE CENTERS LOCATED IN PUBLICLY OWNED OR OPERATED BUILDINGS**

*Prime Sponsor: Representative Frockt*

*\*Signed by the Governor*

- The Department of Early Learning (DEL) must address health and safety requirements for child care centers that serve school age children and operate in buildings that contain public or private schools that serve children safely while school is in session.
- DEL must address this through an interagency process which includes the state Fire Marshal.

## **SHB 1793: RESTRICTING ACCESS TO JUVENILE RECORDS**

*Prime Sponsor: Representative Darneille*

*(SB 5558 Senator Hargrove)*

*\*Signed by the Governor*

- Prohibits a consumer reporting agency from disseminating a juvenile criminal record when the subject of the report is 21 years of age or older at the time the report is made.
- Creates a legislative taskforce to review the dissemination of juvenile records, including diversion records, as well as the process to seal juvenile records. The report is due on December 15, 2011.
- Requires juvenile records pertaining to an offense for which a person has received a full and unconditional pardon to be destroyed.

## **SHB 1811: ALLOWING FOR INFORMED TELEPHONIC CONSENT FOR ACCESS TO HOUSING OR HOMELESSNESS SERVICES**

*Prime Sponsor: Representative Springer*

*(SB 5646 Senator Pridemore)*

*\*Signed by the Governor*

- The Department of Commerce may collect personally identifying information about a homeless person over the telephone after obtaining oral consent from the person for the purpose of implementing the Washington Homeless Client Management System.
- The Department of Commerce must obtain written consent from the person on the first time the person is physically present at the organization.
- The Department of Commerce must develop a policy for the destruction of this information when the information is no longer needed.

**SHB 1858: CONCERNING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES' AUTHORITY WITH REGARD TO SEMI-SECURE AND SECURE CRISIS RESIDENTIAL CENTERS AND HOPE CENTERS**

*Prime Sponsor: Representative Roberts*

*\*Signed by the Governor*

- Requires the Department of Social and Health Services (DSHS) to award contracts for the operation of HOPE center beds and responsible living skills programs with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by crisis residential centers.
- Authorizes the DSHS to allow contracting entities to include any combination of secure or semi-secure crisis residential centers and HOPE centers in the same building, on the condition that contracting entities designate a particular number of beds for each type of center located in the building.

**SHB 1874: ADDRESSING POLICE INVESTIGATIONS OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND HUMAN TRAFFICKING**

*Prime Sponsor: Representative Dickerson*

*(SSB 5545 Senator Delvin)*

*\*Signed by the Governor*

- Law enforcement may intercept and record a conversation with the consent of one party to the conversation and without a warrant if there is probable cause to believe the conversation involves commercial sex abuse of a minor. The recording must be authorized by an officer above the rank of line supervisor and a record of the authorization must be kept and forwarded to the court for review within two judicial days.
- Law enforcement is authorized to use a minor as a cooperating witness in an investigation of commercial sex abuse of a minor if the minor's aid involves only telephonic or electronic communication with the target of the investigation.

**2SHB 1903: REQUIRING BACKGROUND CHECKS FOR ALL CHILD CARE LICENSEES AND EMPLOYEES**

*Prime Sponsor: Representative Orwall*

*\*SB 5714 was not enacted, but the provisions are similar as described below:*

- The Department of Early Learning (DEL) must establish a portable background check clearance registry by July 1, 2012. In furtherance of this, DEL must issue a background check clearance card to an employee or licensee that is valid for three years and may be transferred to different jobs or job locations.
- All new applicants for child care licenses or child care employment must undergo a fingerprint-based background check as of July 1, 2012.
- Authorizes DEL to collect new fees in order to provide funding for this program.

**SHB 2148: SUSPENDING ANNUAL EXAMINATIONS AND SHOW CAUSE HEARINGS FOR SEXUALLY VIOLENT PREDATORS CONVICTED OF A CRIMINAL OFFENSE OR AWAITING TRIAL ON CRIMINAL CHARGES**

*Prime Sponsor: Representative Darneille*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- The Department of Social and Health Services (DSHS) is not required to conduct an annual examination of a person committed as a sexually violent predator during the time the person is either confined for a criminal conviction or is detained due to a criminal charge.
- During any period of time a committed person is confined for a criminal conviction or detained due to criminal charges, the person may not petition the court for conditional release or unconditional discharge.
- DSHS must initiate an examination of the committed person's mental condition upon the return of the person to DSHS custody.

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# JUDICIARY

786-7455

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## **E2SSB 5000: MANDATING A TWELVE-HOUR IMPOUND HOLD ON MOTOR VEHICLES USED BY PERSONS ARRESTED FOR DRIVING UNDER THE INFLUENCE**

*Prime Sponsor: Senator Haugen*

*(HB 1017 Representative Goodman)*

*\*Signed by the Governor*

- When a law enforcement officer arrests a person for Driving Under the Influence, the officer must impound the vehicle.
- When the driver of the vehicle is a registered owner of the vehicle, the impounded vehicle may not be redeemed until 12 hours after the vehicle arrives at the tow truck operator's storage facility.
- If there are two or more registered owners or there is a legal owner who is not the driver of the vehicle, the registered owner or the legal owner who is not the driver of the vehicle may redeem the vehicle upon impound.
- When the driver of the vehicle is not a registered owner, the registered owner may redeem the vehicle once impounded.
- If the police officer who directed that a vehicle be impounded is presented with exigent circumstances and has waited 30 minutes after contacting the police dispatcher to request a registered tow truck operator, the officer may leave the vehicle after placing the completed impound order and inventory inside it, and securing the vehicle.
- If the vehicle subject to impoundment is a commercial or farm transport vehicle, the police officer must attempt to contact the owner of the vehicle and may release it to the owner as long as the owner was not in the vehicle at the time of the stop and arrest.

## **SB 5011: CONCERNING THE VICTIMIZATION OF HOMELESS PERSONS**

*Prime Sponsor: Senator White*

*\*Signed by the Governor*

- A new statutory aggravating circumstance is created which allows the court to impose an exceptional sentence if an offense was intentionally committed because the defendant perceived the victim to be homeless.

## **SSB 5023: ADDRESSING NONLEGAL IMMIGRATION-RELATED SERVICES**

*Prime Sponsor: Senator Prentice*

*(HB 1146 Representative Kenney)*

*\*Signed by the Governor*

- A person is prohibited from engaging in certain immigration assistance practices for compensation, unless the person is an attorney or is authorized under federal law to represent others in immigration matters.
- A person is prohibited from using terms such as immigration assistant, notario publico, and other terms that imply he or she has professional legal skills in immigration law.
- The Legislature requests that the state Supreme Court's Practice of Law Board evaluate issues regarding immigration related services.

## **SB 5057: CONCERNING THE INCOME TAX REQUIRED TO BE PAID BY A TRUSTEE**

*Prime Sponsor: Senator Pflug*

*\*Signed by the Governor*

- The law governing how a trustee must allocate taxes between an income and principal beneficiary of a trust is clarified.

**ESB 5058: ADDRESSING RECEIVERSHIPS**

*Prime Sponsor: Senator Pflug*

*\*Signed by the Governor*

- Makes various changes to the statutes governing receiverships including clarifying the time at which an action or proceeding for foreclosure or forfeiture is commenced, increasing the amount of time a receiver has to file schedules A and B, and increasing the dollar amount for allowed unsecured claims arising from consumer deposits for household purchases.

**SSB 5065: PREVENTING ANIMAL CRUELTY**

*Prime Sponsor: Senator Carrell*

*(HB 1147 Representative Roberts)*

*\*Signed by the Governor*

- Animal Cruelty in the Second Degree is changed from a misdemeanor to a gross misdemeanor.
- The prohibition on owning or caring for similar animals imposed on persons convicted of animal cruelty is modified.

**SSB 5115: CONCERNING PRIVATE TRANSFER FEE OBLIGATIONS**

*Prime Sponsor: Senator Harper*

*(HB 1214 Representative Goodman)*

*\*Signed by the Governor*

- Private transfer fees are prohibited from being recorded against real property in Washington after July 24, 2011.
- For any existing private transfer fee, a notice must be recorded containing specified information about the fee, and a failure to record the required notice voids the private transfer fee.

**SSB 5168: REDUCING MAXIMUM SENTENCES FOR GROSS MISDEMEANORS BY ONE DAY**

*Prime Sponsor: Senator Prentice*

*\*Signed by the Governor*

- The maximum period of imprisonment for a gross misdemeanor is decreased to 364 days.

**SB 5170: INCREASING THE NUMBER OF JUDGES TO BE ELECTED IN GRANT COUNTY**

*Prime Sponsor: Senator Holmquist Newbry*

*(HB 1236 Representative Warnick)*

*\*Signed by the Governor*

- The number of district court judges that may be elected in Grant County is increased from two to three.

**SSB 5195: REQUIRING INFORMATION TO BE FILED BY THE PROSECUTING ATTORNEY FOR CERTAIN VIOLATIONS UNDER DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED PROVISIONS**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- Violations of driving while license suspended in the third degree due to a person's failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation may be referred to the prosecutor's office so a determination can be made as to whether to file an information or divert the case for entry into a precharge diversion program.

**ESB 5242: ADDRESSING MOTORCYCLE PROFILING**

*Prime Sponsor: Senator Hargrove*

*(HB 1333 Representative Kirby)*

*\*Signed by the Governor*

- Motorcycle profiling issues must be addressed in basic law enforcement training and in-service training.
- Local law enforcement agencies must add a statement condemning motorcycle profiling to existing policies regarding profiling.
- Motorcycle profiling is defined.

**SSB 5326: CONCERNING NEGLIGENT DRIVING RESULTING IN SUBSTANTIAL BODILY HARM, GREAT BODILY HARM, OR DEATH OF A VULNERABLE USER OF A PUBLIC WAY**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- The traffic infraction of negligent driving in the second degree with vulnerable user victim is created.
- The penalty for committing the infraction is a fine between \$1,000 to \$5,000 and suspension of the driver's license for 90 days. A person may request a hearing and request an alternative penalty which consists of a fine of \$250, the completion of a traffic safety course, and the completion of up to 100 hours of community service.

**SSB 5495: CONCERNING SHAREHOLDER QUORUM AND VOTING REQUIREMENTS UNDER THE WASHINGTON BUSINESS CORPORATION ACT**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 1386 Representative Carlyle)*

*\*Signed by the Governor*

- Alternative quorum and voting requirements are established for certain Washington corporations who have foreign shareholders and meet a number of other narrow criteria.

**SSB 5546: CONCERNING THE CRIME OF HUMAN TRAFFICKING**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- Expands the definition of Trafficking in the Second Degree to include when a person transfers or receives by any means, another person, knowing that force, fraud, or coercion would be used to cause the victim to engage in forced labor or involuntary servitude, or a commercial sex act.
- Expands the definition of Trafficking in the First Degree to include when a person violates Trafficking in the second degree and his or her criminal act involves the illegal harvesting or sale of human organs.
- Defines commercial sex act, forced labor, involuntary servitude, and serious harm for purposes of the Trafficking Act.
- Adds the offenses of Human Trafficking in the first and second degree and Promoting Commercial Sexual Abuse of a Minor to the list of crimes for which a defendant is required to be automatically remanded into custody upon conviction pending sentencing.

**SSB 5574: CONCERNING COLLECTION AGENCIES**

*Prime Sponsor: Senator Harper*

*(SHB 1745 Representative Goodman)*

*\*Signed by the Governor*

- Makes a number of changes related to prohibited practices of collection agencies.
- Adds prohibited practice standards specifically related to calling or texting a cellular telephone or wireless device.
- Prohibits a collection agency from bringing an action or initiating an arbitration on a claim when the collection agency knows the suit or arbitration is barred by the applicable statute of limitations.

**SSB 5579: MODIFYING HARASSMENT PROVISIONS**

*Prime Sponsor: Senator Kline*

*(SHB 1626 Representative Goodman)*

*\*Signed by the Governor*

- District courts have original jurisdiction over proceedings related to antiharassment protection orders.
- Courts are prohibited from restricting a respondent to an antiharassment protection order from exercising his or her constitutionally protected free speech rights, caring for his or her minor children, and enjoying his or her real property.
- Violating a harassment no-contact order issued under a local ordinance is a misdemeanor under state law.

**SB 5956: CONCERNING THE PROHIBITED PRACTICES OF COLLECTION AGENCIES**

*Prime Sponsor: Senator Harper*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Collection agencies may not send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

**HB 1016: CHANGING RESTRICTIONS ON FIREARM NOISE SUPPRESSORS**

*Prime Sponsor: Representative Blake*

*(SB 5112 Senator Hatfield)*

*\*Signed by the Governor*

- Allows the use of a contrivance or device for suppressing the noise of a firearm if the suppressor is legally registered and possessed under federal law.

**ESHB 1026: CHANGING PROVISIONS RELATING TO ADVERSE POSSESSION CLAIMS**

*Prime Sponsor: Representative Rolfes*

*\*Signed by the Governor*

- A court can award costs and reasonable attorneys' fees to the prevailing party in an action asserting title to real property by adverse possession if the court decides such an award is equitable and just.
- A court is permitted to determine that a party who prevails on an adverse possession claim must pay certain taxes levied on the property that were paid by another party or that went unpaid.

**HB 1040: REGARDING THE USE OF ELECTRONIC SIGNATURES AND NOTICES**

*Prime Sponsor: Representative Pedersen*

*(SB 5082 Senator Pflug)*

*\*Signed by the Governor*

- Certain business entities are authorized to elect to receive notices regarding registration renewal and annual reports by electronic mail.
- When conducting business with electronic records, governmental entities are given the choice of whether or not to use a digital signature technology that requires a subscription to a certificate issued by a licensed certification authority.

**ESHB 1041: INCLUDING CORRECTIONAL EMPLOYEES WHO HAVE COMPLETED GOVERNMENT-SPONSORED LAW ENFORCEMENT FIREARMS TRAINING TO THE LISTS OF LAW ENFORCEMENT PERSONNEL THAT ARE EXEMPT FROM CERTAIN FIREARM RESTRICTIONS**

*Prime Sponsor: Representative Green*

*(SB 5031 Senator Kline)*

*\*Signed by the Governor*

- Correctional personnel and community correction officers who have completed government-sponsored law enforcement firearms training, and have been subject to certain background checks within the past five years, are exempt from restrictions on carrying a concealed pistol; carrying a pistol in a vehicle; and possession of weapons in court facilities under certain circumstances; and restricted areas of jails, law enforcement facilities, public mental health facilities, and commercial airports.
- If a background check is necessary, the person seeking the waiver from the requirement to have a concealed pistol license must pay the cost for the background check.
- Correctional personnel are not exempt from the restriction on possessing firearms in taverns and bars.
- Government-sponsored law enforcement firearms training must be the training the correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

- The exemptions created by the act do not create a duty on the part of the state or a local government with respect to the off-duty use or misuse of a firearm by correctional personnel.
- The state; local governments; and their officers, employees, and agents are not liable for damages caused by the use or misuse of a firearm by off-duty correctional personnel based on a claim of negligence in the provision of government-sponsored firearms training.

**SHB 1051: AMENDING TRUSTS AND ESTATES STATUTES**

*Prime Sponsor: Representative Pedersen*

*\*Signed by the Governor*

- Areas of common law on trusts and estates are codified and provisions of the Uniform Trust Code are adopted.
- The statute of limitations for a beneficiary's claim against a trustee for breach of trust is amended.
- Courts are authorized to correct mistakes in the terms of a trust if it is proved by clear, cogent, and convincing evidence that a mistake of law or fact affected both the trustor's intent and the terms of the trust.

**HB 1052: ADDRESSING THE AUTHORITY OF SHAREHOLDERS AND BOARDS OF DIRECTORS TO TAKE CERTAIN ACTIONS UNDER THE CORPORATION ACT**

*Prime Sponsor: Representative Pedersen*

*\*Signed by the Governor*

- The Washington Business Corporation Act is amended to clearly permit corporations to enter into "force the vote" agreements.
- A right to indemnification or advancement of expenses that is provided in the articles of incorporation or the bylaws may not be eliminated after the occurrence of the act or omission that is the basis of the proceeding for which indemnification or advancement of expenses is sought.
- The respective powers of the board of directors and shareholders regarding substantive decisions concerning the management of a corporation's affairs are clarified.

**SHB 1053: IMPLEMENTING RECOMMENDATIONS FROM THE WASHINGTON STATE BAR ASSOCIATION ELDER LAW SECTION'S EXECUTIVE COMMITTEE REPORT OF THE GUARDIANSHIP TASK FORCE**

*Prime Sponsor: Representative Moeller*

*\*Signed by the Governor/partial veto*

- A court may issue letters of guardianship that are valid for a period of up to five years. A guardian may not act on behalf of an incapacitated person without valid letters of guardianship.
- Guardians must complete a free training video or web cast, unless a court authorizes a waiver.
- ~~Guardians filing an account with the court for estates valued over \$100,000 must pay a filing fee that ranges from \$75 to \$250 based on the value of the estate.~~ (PV)

**SHB 1145: ESTABLISHING MAIL THEFT PROVISIONS**

*Prime Sponsor: Representative Overstreet*

*(SB 5060 Senator Carrell)*

*\*Signed by the Governor*

- A person is guilty of Mail Theft if the person possesses stolen mail addressed to three or more different mailboxes and possesses a minimum of ten separate pieces of stolen mail.
- Each set of ten pieces of stolen mail constitutes a separate crime of Mail Theft.
- Mail Theft is an unranked class C felony offense.
- A person is guilty of Possession of Stolen Mail if the person possesses stolen mail addressed to three or more different mailboxes and possesses a minimum of ten pieces of stolen mail.
- Each set of ten pieces of stolen mail addressed to at least three mail boxes is a separate and distinct crime of Possession of Stolen Mail.
- Possession of Stolen Mail is an unranked class C felony offense.
- If a person commits any other crime in the commission of Mail Theft or Possession of Stolen Mail, that person may be prosecuted for the additional crime(s).

## **2SHB 1153: CONCERNING COSTS FOR THE COLLECTION OF DNA SAMPLES**

*Prime Sponsor: Representative Ladenburg*

*\*Signed by the Governor*

- Sentences imposed for any crime that by law requires the collection of a DNA sample must include a \$100 DNA collection fee.

## **HB 1182: CLARIFYING THAT EACH INSTANCE OF AN ATTEMPT TO INTIMIDATE OR TAMPER WITH A WITNESS CONSTITUTES A SEPARATE VIOLATION FOR PURPOSES OF DETERMINING THE UNIT OF PROSECUTION UNDER TAMPERING WITH OR INTIMIDATING A WITNESS STATUTES**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- Changes the unit of prosecution for the crimes of Intimidating a Witness and Tampering With a Witness.

## **SHB 1188: CONCERNING SUFFOCATION AND OTHER DOMESTIC VIOLENCE OFFENSES**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- Assault in the Second Degree includes assaulting another by suffocation.
- Suffocation means to block or impair a person's intake of air at the nose and mouth, whether by smothering or other means, with the intent to obstruct the person's ability to breathe.
- A prior conviction for a repetitive domestic violence offense is not included in the offender score if the person has spent ten consecutive years in the community without being convicted of a crime.

## **E2SHB 1206: CONCERNING HARASSMENT AGAINST CRIMINAL JUSTICE PARTICIPANTS**

*Prime Sponsor: Representative Dahlquist*

*\*Signed by the Governor/partial veto*

- Harassment of a criminal justice participant is a seriousness level III, class C felony offense.
- A criminal justice participant who is a target for threats or harassment and any family members residing with the criminal justice participant is eligible for the Address Confidentiality Program.
- ~~The Sentencing Guidelines Commission is required to annually report to the Legislature on the number of prosecutions of harassment crimes against criminal justice participants under the act. (PV)~~

## **SHB 1218: MAKING TECHNICAL CORRECTIONS TO THE REVISED CODE OF WASHINGTON**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- Technical corrections are made to various provisions of the RCW. The technical corrections include changes to merge double amendments and to correct inaccurate references and cross-references resulting from amendments, drafting errors, or repealed statutes.
- Changes are made to address drafting errors relating to the effect of expiration dates in amendatory sections.

## **SHB 1243: CONCERNING CRIMES AGAINST ANIMALS BELONGING TO ANOTHER PERSON**

*Prime Sponsor: Representative Kretz*

*\*Signed by the Governor*

- A new crime is created. It is a crime to maliciously kill or cause substantial bodily harm to livestock belonging to another person.
- A civil cause of action for damages is created for owners of livestock killed or harmed by another person.

**HB 1345: REGARDING THE UNIFORM UNSWORN FOREIGN DECLARATIONS ACT**

*Prime Sponsor: Representative Rivers*

*\*Signed by the Governor*

- The Uniform Unsworn Foreign Declarations Act is adopted.
- People that are physically located outside the boundaries of the United States or its territories may submit unsworn declarations in lieu of other sworn statements.

**HB 1455: CONCERNING WHERE AN INDIVIDUAL MAY PETITION TO RESTORE FIREARM POSSESSION RIGHTS**

*Prime Sponsor: Representative McCune*

*\*Signed by the Governor*

- A petition for the restoration of the right to possess a firearm, where the loss of rights was based on a criminal conviction, must be brought in the court of record that ordered the petitioner's prohibition on possession or the superior court in the county in which the petitioner resides.
- The petition process applicable to restoration of the right to possess firearms following a loss of the right due to an involuntary mental health commitment is amended to provide that the petition must, rather than may, be filed in the superior court that ordered the commitment or the superior court where the petitioner resides.
- The clerk of the superior court is required to keep a record of the number of petitions filed for restoration of the right to possess a firearm and the outcome of those petitions.

**HB 1479: REVISING THE PUBLICATION REQUIREMENTS OF THE STATUTE LAW COMMITTEE**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- Current digital copies of the session laws, the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), and the Register will be made available on the legislative or Code Reviser website without charge for permanent public access.
- The official copy of the WAC may be published in digital format. The Code Reviser may charge a minimal fee sufficient to cover the costs of printing and mailing any paper copy of the WAC that is requested.
- The Code Reviser will provide a limited number of free paper copies of the WAC to libraries or institutions for access and archival purposes.
- The Register is no longer required to be made available, in printed form, to state elected officials, the Secretary of the Senate, the Chief Clerk of the House, county boards of law library trustees, and to the Olympia press corps library. Access to the Register, as required by state law, is satisfied when it is published on the legislative or Code Reviser website.
- The Statute Law Committee (SLC) may publish the official copy of the session laws on the legislative or Code Reviser website in digital format.
- The SLC may provide free digital or printed copies of the session laws to selected federal, state, and local agencies with special consideration given to institutions and libraries where Internet access is limited or unavailable.

**ESHB 1492: CONCERNING THE UNIFORM COMMERCIAL CODE ARTICLE 9A ON SECURED TRANSACTIONS**

*Prime Sponsor: Representative Pedersen*

*\*Signed by the Governor*

- Article 9A of the Uniform Commercial Code is amended to correct and clarify minor flaws and ambiguities.
- The standards regarding the sufficiency of a debtor's name on a financing statement for individuals, registered organizations, collateral being administered by a personal representative of a decedent, and collateral held in a trust that is not a registered organization are revised.
- The Code Reviser is directed to number the sections and subsections in Article 9A consistently with the numbering system used by the National Conference of Commissioners on Uniform State Laws for the Uniform Commercial Code Article 9.

**SHB 1564: CONCERNING THE RIGHT TO CONTROL THE DISPOSITION OF HUMAN REMAINS**

*Prime Sponsor: Representative Kenney*

*(SB 5804 Senator White)*

*\*1564 was not enacted, but the provisions are substantially similar to those in 1691.*

**SHB 1719: LIMITING LIABILITY FOR UNAUTHORIZED PASSENGERS IN A VEHICLE**

*Prime Sponsor: Representative Rodne*

*\*Signed by the Governor*

- State and local government employers, as well as private employers, are immune from liability for injuries suffered by unauthorized third-party occupants of vehicles owned, leased, or rented by those employers if the injured, unauthorized third-party occupants are riding in or on a vehicle with an employee who has expressly acknowledged in writing the employer's policy on use of such vehicles.

**E2SHB 1789: ADDRESSING ACCOUNTABILITY FOR PERSONS DRIVING OR BEING IN PHYSICAL CONTROL OF A VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- The definition of prior offenses is expanded to include a conviction for vehicular assault or vehicular homicide, based on driving in a reckless manner or driving with the disregard for the safety of others, if the original charge was filed as a vehicular assault or vehicular homicide, based on DUI.
- The offense of DUI becomes a felony DUI if the person has ever previously been convicted of felony DUI in Washington.
- A person convicted of negligent driving in the first degree must install an ignition interlock device (IID) for six months on all vehicles operated by the person if the person has any prior offense, as defined in DUI statutes.
- A person convicted of reckless driving who has a prior offense must install an IID for six months if the original charge was filed as a DUI.
- A person convicted of reckless driving must install an IID for six months if the original charge was filed as vehicular assault or vehicular homicide based on DUI or vehicular homicide.
- Counties may establish and operate DUI courts for nonviolent offenders.
- The Washington Traffic Safety Commission (WTSC) may develop and maintain a registry of Victim Impact Panels (VIP) and may work with VIP organizations to develop the registry.
- The \$125 fee imposed on offenders is increased to \$200. Of the total amount, \$175 must be distributed in the same manner as the current fee is distributed, and \$25 of the fee must be deposited into the Highway Safety Account to be used for funding WTSC grants to reduce statewide collisions caused by DUI.
- A copy of the diagnostic evaluation and treatment report must be forwarded to the court.

**HB 1794: ADDING COURT-RELATED EMPLOYEES TO THE ASSAULT IN THE THIRD DEGREE STATUTE**

*Prime Sponsor: Representative Ladenburg*

*(SB 5046 Senator Kohl-Welles)*

*\*Signed by the Governor*

- An assault that would normally be Assault in the Fourth Degree may be elevated to Assault in the Third Degree if the assault was committed against a judicial officer, court related employee, county clerk, or county clerk's employee who was performing his or her official duties at the time of the assault or as a result of that person's employment with the judicial system.
- A court-related employee includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions.

## **ESHB 1864: CONCERNING DEBT COLLECTION**

*Prime Sponsor: Representative Stanford*

*\*Signed by the Governor*

- Personal property exemptions that are protected from collection are modified.
- Tuition and employee benefit exemptions that are protected from collection are expanded.
- Prohibits a licensed collection agency from sending a first notice to a debtor unless it includes the complete or redacted original account number assigned to the debt and the date of the last payment, if known. The licensee may be required to provide this information or cease collection efforts.
- Prohibits licensees from sending certain notices to a debtor without including the name of the original creditor to whom the debt is owed, if known; although, the licensee may be required to provide the name or cease collection efforts.
- Prohibits a licensee from asking a court to transfer a bond posted by a debtor to the licensee when the debtor has appeared at special proceedings as required.

## **SHB 1923: REQUIRING THE DENIAL OF A CONCEALED PISTOL LICENSE APPLICATION WHEN THE APPLICANT IS INELIGIBLE TO POSSESS A FIREARM UNDER FEDERAL LAW**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- A law enforcement agency must deny an application for a concealed pistol license if the applicant is prohibited from possessing a firearm under federal law.
- Law enforcement agencies must conduct a National Instant Criminal Background Xcheck of the applicant to determine the applicant's eligibility for a concealed pistol license.
- An applicant for a concealed pistol license who is not a United States citizen must provide the following additional information on the application: country of citizenship; United States issued alien number or admission number; and claimed basis for being exempt from federal restrictions on firearms possession by aliens.

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# LABOR, COMMERCE & CONSUMER PROTECTION

786-7426

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## **SB 5045: MAKING TECHNICAL CORRECTIONS TO GENDER-BASED TERMS**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor/partial veto*

- Amends numerous sections in the code to make them gender-neutral.
- Partial Veto to language that incorrectly amends the phrase “his widow” to “his or her widow” and sections that conflict with amendments in other bills already signed into law in the 2011 session. (PV)

## **SSB 5067: CHANGING THE CERTIFIED AND REGISTERED MAIL REQUIREMENTS OF THE DEPARTMENT OF LABOR AND INDUSTRIES AND EMPLOYMENT SECURITY DEPARTMENT**

*Prime Sponsor: Senator Keiser*

*(HB 1056 Representative Hudgins)*

*\*Signed by the Governor*

- For purposes of sending a variety of notices, the Department of Labor and Industries and the Employment Security Department are permitted to utilize methods which allow for tracking mail or delivery confirmation including registered mail, certified mail, and return receipt requested.

## **ESSB 5068: ADDRESSING THE ABATEMENT OF VIOLATIONS OF THE WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT DURING AN APPEAL**

*Prime Sponsor: Senator Conway*

*(HB 1676 Senator Reykdal)*

*\*Signed by the Governor*

- In an application for a stay of abatement, the Department of Labor and Industries (L&I) will not grant a stay when it can determine that the preliminary evidence shows a substantial probability of death or serious physical harm to workers. L&I will initiate rulemaking to implement this law in 2011.

## **SSB 5070: REGARDING RECORDS REQUESTS RELATING TO PREVAILING WAGE INVESTIGATIONS**

*Prime Sponsor: Senator Conway*

*(HB 1058 Representative Hudgins)*

*\*Signed by the Governor*

- An employer that fails to provide or allow inspection of prevailing wage records requested by the Department of Labor and Industries within 60 days of the request may not use the records in any proceeding to challenge the correctness of any determination made by the Department.

## **ESSB 5091: DELAYING THE IMPLEMENTATION OF THE FAMILY LEAVE INSURANCE PROGRAM**

*Prime Sponsor: Senator Keiser*

*(HB 1120 Representative Sells)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Delays implementation of the Family Leave Insurance Program for three years.

## **SB 5135: RESPONDING TO THE CURRENT ECONOMIC CONDITIONS BY TEMPORARILY MODIFYING THE UNEMPLOYMENT INSURANCE PROGRAM**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 1090 Representative Sells)*

*\*Signed by the Governor*

- For rate year 2011, the flat social cost factor is capped at 1.22 percent, and the graduated rate is lowered for employers in rate classes 1 through 20.

- For 2011, the two-year look-back period used to determine whether extended benefits are paid is changed to a three-year look-back period.

**SSB 5156: CONCERNING AIRPORT LOUNGES UNDER THE ALCOHOL BEVERAGE CONTROL ACT**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- A new license is created to allow VIP airport lounge operators (an establishment in an international airport, beyond security checkpoints) to sell or provide spirits, wine, and beer for on-premise consumption.

**SSB 5232: AUTHORIZING PRIZE-LINKED SAVINGS DEPOSITS**

*Prime Sponsor: Senator Kilmer*

*(HB 1326 Representative Appleton)*

*\*Signed by the Governor*

- Financial institutions meeting certain conditions are authorized to conduct a promotional contest of chance.
- Depositors in a savings account, certificate of deposit, or any other savings program of a financial institution conducting a promotional contest of chance are eligible to receive a prize in a drawing.

**SB 5278: ADDRESSING INFORMATION CONTAINED IN RATE NOTICES UNDER THE INDUSTRIAL INSURANCE LAWS**

*Prime Sponsor: Senator Holmquist Newbry*

*(HB 1994 Representative Parker)*

*\*Signed by the Governor*

- Workers compensation rate notices must include an accounting that clearly identifies all programs and services that are financed in whole or in part by premiums or assessments.

**SSB 5538: CONCERNING MEMBERS OF CERTAIN NONPROFIT CONSERVATION CORPS PROGRAMS**

*Prime Sponsor: Senator White*

*\*Signed by the Governor*

- Participants in a conservation corps program offered by certain nonprofit organizations are exempt from provisions related to rates of compensation while performing environmental and trail maintenance work.

**ESB 5566: REFORMING WORKERS' COMPENSATION THROUGH AUTHORIZATION OF VOLUNTARY SETTLEMENTS, CREATION OF A RETURN TO WORK SUBSIDY PROGRAM, AND AUTHORIZATION OF A STUDY OF OCCUPATIONAL DISEASE**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 1686 Representative Sells)*

*\*ESB 5566 was not enacted, but is incorporated in part into EHB 2123.*

*\*Passed during the 1st Special Legislative Session.*

**SB 5584: CONCERNING THE CONFORMING OF APPRENTICESHIP PROGRAM STANDARDS TO FEDERAL LABOR STANDARDS**

*Prime Sponsor: Senator Harper*

*(SHB 1059 Representative Hudgins)*

*\*Signed by the Governor*

- Conforms the state apprenticeship program standards to federal standards by transferring rulemaking authority from the Washington State Apprenticeship and Training Council to the Department of Labor and Industries.

**ESSB 5594: REGULATING THE HANDLING OF HAZARDOUS DRUGS**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- The Department of Labor and Industries will adopt rules for the safe handling of hazardous drugs in health care facilities.

**SSB 5614: ESTABLISHING PROCEDURES FOR REQUESTING THE FUNDS NECESSARY TO IMPLEMENT THE COMPENSATION AND FRINGE BENEFIT PROVISIONS OF BARGAINING AGREEMENTS WITH THE UNIVERSITY OF WASHINGTON UNDER CHAPTER 41.80 RCW**

*Prime Sponsor: Senator White*

*(HB 1665 Representative Fitzgibbon)*

*\*Signed by the Governor*

- Changes the process for requests for funds to implement the compensation and fringe benefit provisions of collective bargaining agreements between the University of Washington and representatives of classified employees.

**2SSB 5662: CONCERNING PREFERENCES FOR IN-STATE CONTRACTORS BIDDING ON PUBLIC WORKS**

*Prime Sponsor: Senator Conway*

*(HB 1809 Representative Van De Wege)*

*\*Signed by the Governor*

- A nonresident contractor from a state that provides a percentage bid preference must receive a comparable percentage disadvantage when bidding on an in-state public works project.
- The Department of General Administration must survey the 50 states to determine which ones provide advantages for their in-state contractors bidding on public works projects.

**SB 5709: ALLOWING A MICROBREWERY AND DOMESTIC BREWERY TO SELL BEER OF ANOTHER DOMESTIC BREWERY FOR ON AND OFF-PREMISES CONSUMPTION FROM ITS PREMISES**

*Prime Sponsor: Senator Kline*

*\*SB 5709 is incorporated in its entirety into HB 1465.*

**SB 5711: CONCERNING THE SALE OF BEER BY BEER AND/OR WINE SPECIALTY SHOP LICENSEES**

*Prime Sponsor: Senator Hobbs*

*\*SB 5711 is incorporated in its entirety into HB 1465.*

**ESSB 5747: CONCERNING WASHINGTON HORSE RACING FUNDS**

*Prime Sponsor: Senator Hewitt*

*\*Signed by the Governor*

- Provisions addressing which race tracks receive funding for nonprofit race meet purses are changed along with provisions for the Horse Racing Commission to manage, invest, and allocate funds.

**SSB 5788: REGULATING LIQUOR BY CHANGING TIED HOUSE AND LICENSING PROVISIONS AND MAKING CLARIFYING AND TECHNICAL CHANGES TO LIQUOR LAWS**

*Prime Sponsor: Senator Conway*

*\*Signed by the Governor/partial veto*

- Internal and outdated references are update or corrected.
- Various provisions relating to special occasion licenses, advertising, sampling, licensing, and the sale of beer by restaurant and hotel licensees are revised.
- ~~Contains an emergency clause.~~ (PV)

*\*SB 5827 is incorporated in its entirety into SSB 5788, as described below:*

- SB 5827 removes the 40 nonclub, member sponsored event limit for spirits, beer, and wine private club licensees using club liquor.

*\*HB 1244 is incorporated in its entirety into SSB 5788, as described below:*

- HB 1244 permits spirits, beer, and wine restaurant licensees with an endorsement to sell kegs, to sell beer to purchasers who bring a container and have it filled at the tap by the restaurant at the time of sale. It also provides that a vendor that manufactures liquor mixers can obtain a special permit to serve liquor at no charge, at a liquor licensee trade association convention.

**SSB 5801: ESTABLISHING MEDICAL PROVIDER NETWORKS AND EXPANDING CENTERS FOR OCCUPATIONAL HEALTH AND EDUCATION IN THE INDUSTRIAL INSURANCE SYSTEM**

*Prime Sponsor: Senator Kohl-Welles*

*(ESHB 1869 Representative Sells)*

*\*Signed by the Governor*

- The Department of Labor and Industries (L&I) must establish a health care provider network to treat injured workers.
- Providers who meet minimum standards will be accepted into the network and must agree to follow L&I evidence-based coverage decisions and treatment guidelines.
- When a provider network is established in an injured worker's geographic area, the worker must seek medical treatment from a health care provider in the network.
- L&I must establish additional Centers for Occupational Health and Education, with a goal of extending access to all injured workers by December 2015.

**SB 5806: AUTHORIZING A STATEWIDE RAFFLE TO BENEFIT VETERANS AND THEIR FAMILIES**

*Prime Sponsor: Senator Conway*

*(HB 1975 Representative Finn)*

*\*Signed by the Governor*

- Directs the Washington Lottery to conduct an annual raffle to benefit veterans and their families.

**SB 5827: CONCERNING ENDORSEMENTS TO THE SPIRITS, BEER, AND WINE PRIVATE CLUB LICENSE FOR NONCLUB, MEMBER-SPONSORED EVENTS USING CLUB LIQUOR.**

*Prime Sponsor: Senator Ericksen*

*\*SB 5827 is incorporated in its entirety into SSB 5788.*

**ESB 5907: IMPLEMENTING THE POLICY RECOMMENDATIONS RESULTING FROM THE NATIONAL INSTITUTE OF CORRECTIONS REVIEW OF PRISON SAFETY**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 2036 Representative Pearson)*

*\*Signed by the Governor*

- Requires the Department of Corrections (DOC) to establish statewide and local security advisory committees to provide a comprehensive review of the DOC's security policies and procedures within its prisons.
- Requires the DOC to establish a multidisciplinary team at each prison to evaluate offenders' placement in job assignments and custody promotions.
- Requires the DOC to develop a training curriculum relating to staff safety issues in prisons.
- Requires the DOC to consider and study the feasibility of implementing a statewide system for utilizing body alarms and proximity cards for prison staff, deploying the use of video monitoring cameras in prisons, and using pepper spray as a security measure for prison staff.

**SJM 8008: REQUESTING THAT THE UNITED STATES DEPARTMENT OF LABOR PROVIDE WASHINGTON WITH FEDERAL UNEMPLOYMENT TAX RELIEF FOR WASHINGTON EMPLOYERS AND A FINANCIAL BENEFIT FOR THE STATE'S TRUST FUND**

*Prime Sponsor: Senator Brown*

- Asks the United States Department of Labor is asked to provide Washington and unemployment-insurance-tax paying employers with federal unemployment tax relief and a financial benefit equal to any benefit provided to employers in states who have had to borrow from the federal Unemployment Account.

**ESHB 1055: REGARDING THE STREAMLINING OF CONTRACTOR APPEALS**

*Prime Sponsor: Representative Hudgins*

*(SSB 5066 Senator Conway)*

*\*Signed by the Governor*

- The time period to appeal contractor infractions is changed from 20 to 30 days.

**EHB 1091: MODIFYING THE UNEMPLOYMENT INSURANCE PROGRAM**

*Prime Sponsor: Representative Sells*

*\*Signed by the Governor*

- An additional \$25 temporary weekly unemployment insurance benefit is provided for certain claimants.
- The \$25 temporary benefit is a socialized cost and is not charged to the experience rating account of any contribution paying employer.
- The social cost factor is capped permanently starting in rate year 2011, and multipliers used to graduate social cost rates are reduced.
- The two-year look-back period used to determine whether extended benefits are paid is changed to a three-year look-back period.
- Changes are made to the training benefits program in order to qualify for modernization incentive payments.

**SHB 1127: ADDRESSING BARGAINING WITH CERTIFIED EXCLUSIVE BARGAINING REPRESENTATIVES**

*Prime Sponsor: Representative Moeller*

*\*Signed by the Governor*

- Requires the Public Employment Relations Commission to intervene if a covered employer and a bargaining representative disagree as to the merger of two or more bargaining units that are represented by the same bargaining representative.
- It is an unfair labor practice for a covered employer to refuse to bargain with the certified bargaining representative.

**SHB 1172: CONCERNING BEER AND WINE TASTING AT FARMERS MARKETS**

*Prime Sponsor: Representative Kenney*

*(SSB 5029 Senator Kohl-Welles)*

*\*Signed by the Governor*

- The Liquor Control Board will establish a pilot project for beer and wine tasting at selected farmers markets between September 1, 2011, and November 1, 2012. The Board will report to the Legislature by December 1, 2012.

**ESHB 1202: CREATING A PILOT PROJECT TO ALLOW SPIRITS SAMPLING IN STATE LIQUOR STORES AND CONTRACT STORES**

*Prime Sponsor: Representative Hunt*

*(SB 5150 Senator Kohl-Welles)*

*\*Signed by the Governor*

- The Liquor Control Board is directed to establish a pilot project for spirits sampling in state and contract liquor stores.
- The pilot project will consist of 30 locations and take place between September 1, 2011, and September 1, 2012.
- The Liquor Control Board will report on the pilot project to the Legislature by December 1, 2012.

**HB 1227: CONCERNING THE WAIVER OF RESTAURANT CORKAGE FEES**

*Prime Sponsor: Representative Ross*

*(SB 5173 Senator Honeyford)*

*\*Signed by the Governor*

- Restaurants licensed to sell wine are permitted to enter into an arrangement with domestic wineries to waive corkage fees.

**HB 1244: MODIFYING LIQUOR PERMIT AND LICENSING PROVISIONS**

*Prime Sponsor: Representative Condotta*

*(SB 5302 Senator Kohl-Welles)*

*\*HB1244 is incorporated in its entirety into SSB 5788.*

**HB 1290: CONCERNING MANDATORY OVERTIME FOR CERTAIN HEALTH CARE EMPLOYEES**

*Prime Sponsor: Representative Green*

*\*Signed by the Governor*

- Prohibits state or local correctional institutions from requiring overtime for certain registered and licensed practical nurses.
- The bill is contingent upon funding in the 2011-13 omnibus appropriations act.

**ESHB 1367: CONCERNING FOR HIRE VEHICLES AND FOR HIRE VEHICLE OPERATORS**

*Prime Sponsor: Representative Green (SSB 5498 Senator Kline)*  
*\*Signed by the Governor*

- Businesses that own and operate a for hire vehicle, limousine, or taxicab, and the operator or chauffeur of the vehicle, are subject to mandatory industrial insurance coverage.

**SHB 1402: CONCERNING CERTAIN SOCIAL CARD GAMES IN AN AREA ANNEXED BY A CITY OR TOWN**

*Prime Sponsor: Representative Upthegrove (SSB 5556 Senator Prentice)*  
*\*Signed by the Governor*

- A jurisdiction with a ban on house-banked card rooms that annexed an area and allowed a house-banked card room in the annexed area to continue operating before July 15, 2010, must allow all card rooms licensed and operating as of January 1, 2011, to continue operating.

**HB 1418: CONCERNING EVALUATING MILITARY TRAINING AND EXPERIENCE TOWARD MEETING CERTAIN PROFESSIONAL LICENSING REQUIREMENTS**

*Prime Sponsor: Representative Rolfes (SB 5308 Senator Kilmer)*  
*\*Signed by the Governor*

- Military training or experience satisfies the training and experience requirements of certain professions unless the Department of Licensing or other regulatory body determines that it is not substantially equivalent to the state standard.

**HB 1432: PERMITTING PRIVATE EMPLOYERS TO EXERCISE A VOLUNTARY VETERANS' PREFERENCE IN EMPLOYMENT**

*Prime Sponsor: Representative Rodne (SB 5841 Senator Baxter)*  
*\*Signed by the Governor*

- Allows private employers to establish preferences in employment for veterans, widows or widowers of veterans, and spouses of certain veterans.

**HB 1465: MODIFYING CONDITIONS AND RESTRICTIONS FOR LIQUOR LICENSES**

*Prime Sponsor: Representative Hunt*  
*\*Signed by the Governor*

- Conditions and restrictions are no longer required to be listed on the face of the license and additional correspondence with conditions and restrictions must be posted on the premises in addition to the license.
- The Liquor Control Board (Board) must determine requirements for complete meals in rule.
- Removes the occupancy load requirement to qualify for a nightclub license.

*\*SB 5711 is incorporated in to HB 1465, as described below:*

- Beer and/or wine specialty shop licensees with over 50 percent of beer and/or wine sales can get an endorsement to sell beer to purchasers who bring their own container and have it filled at the tap at the time of sale. The Board can waive the over 50 percent sales requirement if the beer and/or wine specialty shop licensee carries alcohol inventory worth over \$15,000.

*\*SB 5709 is incorporated in to HB 1465, as described below:*

- Domestic breweries and microbreweries are permitted to sell beer produced by other domestic breweries and microbreweries as long as the other breweries' brands do not exceed 25 percent of the brewery's on-tap offering of its own brands.

## **SHB 1485: REGARDING CHARITABLE SOLICITATIONS**

*Prime Sponsor: Representative Rodne*

*\*Signed by the Governor*

- The Charitable Solicitations Act is reorganized and changes are made to language throughout to provide consistency with defined terms.
- Charitable organizations do not need to register with the Office of the Secretary of State if the organization raises less than \$50,000 in any accounting year.

## **SHB 1495: REGARDING THE UNFAIR COMPETITION THAT OCCURS WHEN STOLEN OR MISAPPROPRIATED INFORMATION TECHNOLOGY IS USED TO MANUFACTURE PRODUCTS SOLD OR OFFERED FOR SALE IN THIS STATE**

*Prime Sponsor: Representative Eddy*

*(SB 5449 Senator Brown)*

*\*Signed by the Governor*

- Creates a new civil cause of action against businesses that use stolen or misappropriated information technology (IT) to manufacture products sold in Washington in competition with products that do not use stolen or misappropriated IT, subject to certain exemptions.
- Allows a court to order that a product made using stolen or misappropriated IT not be sold in Washington or to award damages.

## **ESHB 1636: CONCERNING SERVICES PERFORMED BY AMATEUR SPORTS OFFICIALS**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- Services performed by amateur sports officials are not considered employment for the purposes of unemployment insurance.
- Services performed by amateur sports officials are not considered employment for a services referral agency if the agency is not responsible for payment to the official until the agency is paid or reimbursed by a third party.

## **ESHB 1716: REGULATING SECONDHAND DEALERS WHO DEAL WITH PRECIOUS METAL PROPERTY**

*Prime Sponsor: Representative Asay*

*\*Signed by the Governor*

- Creates a new category of secondhand dealers called "secondhand precious metal dealers" who engage in transactions involving gold, silver, and platinum.
- Requires secondhand precious metal dealers to obtain a business license.
- Requires secondhand precious metal dealers to maintain specific detailed records for transactions involving precious metals for a total of three years.
- Prohibits the removal of any precious metal property bought or received in pledge or by consignment by a secondhand precious metal dealer from the place of business or the county in which it was sold in, for a period of 30 days after the receipt of that property, except when redeemed by or returned to the owner.

## **ESHB 1725: ADDRESSING ADMINISTRATIVE EFFICIENCIES FOR THE WORKERS' COMPENSATION PROGRAM**

*Prime Sponsor: Representative Sells*

*(SSB 5582 Senator Conway)*

*\*Signed by the Governor*

- Industrial insurance notices and orders required to be mailed by the Department of Labor and Industries can be sent electronically if requested by the employer, worker, beneficiary, or other person affected, except for notices and orders communicating the closure of a claim.
- Payment by an employer for direct primary care services on an allowed industrial injury or occupational disease claim does not disqualify the employer from participating in a retrospective rating plan.

**HB 1726: ADDRESSING THE RECOMMENDATIONS OF THE VOCATIONAL REHABILITATION SUBCOMMITTEE FOR WORKERS' COMPENSATION**

*Prime Sponsor: Representative Sells*

*(SB 5583 Senator Kohl-Welles)*

*\*Signed by the Governor*

- Injured workers who have suffered the loss or complete use of two major limbs or eyesight may receive vocational services if the services will substantially improve the worker's quality of life or ability to function in an employment setting.
- Workers who have suffered the loss or complete use of two major limbs or eyesight are not eligible for option 2 benefits.
- Timelines for choosing vocational benefits and providing valid job offers to workers eligible for vocational benefits are changed.

**SHB 1728: REQUIRING BUSINESSES WHERE FOOD FOR HUMAN CONSUMPTION IS SOLD OR SERVED TO ALLOW PERSONS WITH DISABILITIES TO BRING THEIR SERVICE ANIMALS ONTO THE BUSINESS PREMISES**

*Prime Sponsor: Representative Eddy*

*(SB 5680 Senator Harper)*

*\*Signed by the Governor*

- Service animal is defined for the purposes of prohibiting discrimination in a food establishment based on the use of a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.
- With the exception of miniature horses, other species of animals are not considered service animals.

**ESHB 2002: CONCERNING INDUSTRIAL INSURANCE EMPLOYER WAGE SUBSIDIES AND REIMBURSEMENTS FOR LIGHT DUTY OR TRANSITIONAL WORK**

*Prime Sponsor: Representative Sells*

*\*ESHB 2002 was not enacted, but is incorporated in its entirety into EHB 2123.*

*\*Passed during the 1st Special Legislative Session*

**HB 2023: ACHIEVING SAVINGS IN WORKERS' COMPENSATION BUT ONLY WITH RESPECT TO PERMANENT PARTIAL DISABILITY AWARDS AND AWARDS OF PERMANENT TOTAL DISABILITY FOLLOWING AN AWARD OF PERMANENT PARTIAL DISABILITY**

*Prime Sponsor: Representative Springer*

*\*HB 2023 was not enacted, but is incorporated in its entirety into EHB 2123.*

*\*Passed during the 1st Special Legislative Session*

**HB 2025: FREEZING INDUSTRIAL INSURANCE COST-OF-LIVING INCREASES**

*Prime Sponsor: Representative Springer*

*\*HB 2025 was not enacted, but the provisions are similar to those in EHB 2123.*

*\*Passed during the 1st Special Legislative Session*

**ESHB 2026: CREATING THE INDUSTRIAL INSURANCE RAINY DAY ACCOUNT**

*Prime Sponsor: Representative Sells*

*\*ESHB 2026 was not enacted, but the provisions are similar to those in EHB 2123.*

*\*Passed during the 1st Special Legislative Session*

## **HB 2116: REQUIRING A PERFORMANCE AUDIT OF THE WORKERS' COMPENSATION CLAIMS MANAGEMENT SYSTEM**

*Prime Sponsor: Representative McCoy*

*\*HB 2116 was not enacted, but the provisions are similar to those in EHB 2123.*

*\*Passed during the 1st Special Legislative Session.*

## **EHB 2123: ADDRESSING THE WORKERS' COMPENSATION SYSTEM**

*Prime Sponsor: Representative Green*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Structured settlements are available for injured workers older than 55 and are phased in to allow workers 50 and older to participate in structured settlement by 2016.
- \* ESB 5566 was not enacted, but is incorporated in part as described below:*
- \* ESHB 2002 was not enacted, but is incorporated in its entirety as described below:*
- The Stay-at-Work Program is created to provide wage subsidies to state fund employers that offer light duty or transitional work. Reimbursements are paid out of the Stay-at-Work Account, which is funded by assessments collected from state fund employers and workers.
- \* ESB 5566 was not enacted, but is incorporated in part as described below:*
- \* HB 2023 was not enacted, but is incorporated in its entirety as described below:*
- A worker eligible for a permanent total disability pension will have all prior disability awards paid on that same claim deducted from the worker's pension payment. Interest will no longer be paid on permanent partial disability awards that are paid over time.
- \* HB 2025 was not enacted, but the provisions are similar as described below:*
- The 2011 cost of living allowance for pension and time-loss awards is eliminated.
- \* ESHB 2026 was not enacted, but the provisions are similar as described below:*
- The industrial insurance rainy day account is created.
- \* HB 2116 was not enacted, but the provisions are similar as described below:*
- The Joint Legislative Audit and Review Committee must conduct a performance audit of claims management.
- The current best practices used to address employer fraud are applied to workers and providers.
- The Department of Labor and Industries is to contract with an independent entity to study occupational disease claims.

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# NATURAL RESOURCES & MARINE WATERS

786-7419

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## **SSB 5036: REGARDING THE DERELICT VESSEL AND INVASIVE SPECIES REMOVAL FEE**

*Prime Sponsor: Senator Regala*

*(HB 1395 Representative Dunshee)*

*\*Signed by the Governor*

- Makes permanent the \$3.00 portion of the additional fee on vessel registrations currently dedicated to funding state agency aquatic invasive species programs.
- Expands the scope of the Department of Ecology's aquatic algae control program from addressing excessive freshwater algae to addressing both excessive freshwater and saltwater nuisance algae.

## **SB 5123: REGARDING THE INSTITUTE OF FOREST RESOURCES**

*Prime Sponsor: Senator Ranker*

*\*SB 5123 was not enacted, but the provisions are substantially similar to those in SHB 1254.*

## **ESSB 5186: CONCERNING SKIING IN AN AREA OR SKI TRAIL CLOSED TO THE PUBLIC**

*Prime Sponsor: Senator Kastama*

*(HB 1484 Representative Probst)*

*\*Signed by the Governor*

- A person is guilty of a misdemeanor if the person knowingly skis in an area or on a ski trail, owned or controlled by a ski area operator, that is closed to the public and has signs posted indicating the closure.

## **SSB 5271: REGARDING ABANDONED OR DERELICT VESSELS**

*Prime Sponsor: Senator Rockefeller*

*(HB 1322 Representative Fitzgibbon)*

*\*Signed by the Governor*

- Expands opportunities for marinas to participate in the Derelict Vessel Removal Program (DVRP).
- Clarifies the reimbursement rate for ports who conduct abandoned or derelict vessel removal activities.
- Provides those conducting activities under the DVRP with limited civil liability.
- Makes it a misdemeanor to intentionally and without authorization cause a vessel to sink, break up, or block a navigation channel.

## **SSB 5300: ENHANCING THE USE OF WASHINGTON NATURAL RESOURCES IN PUBLIC BUILDINGS**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- When determining compliance with the requirements for a project to be designed, constructed, and certified to at least the LEED™ Silver standard, the Department of General Administration and the Superintendent of Public Instruction must credit one additional point for a project that uses wood products with a third party certification or from forests regulated under Washington's Forest Practices Act.

## **SB 5388: LIMITING LIABILITY FOR MAKING CERTAIN LAND AND WATER AREAS AVAILABLE FOR RECREATIONAL USE UNDER A HYDROELECTRIC LICENSE**

*Prime Sponsor: Senator Parlette*

*(HB 1231 Representative Takko)*

*\*Signed by the Governor*

- Specifies limited protection from tort liability for an entity releasing water and making its lands available for recreation pursuant to a federal hydroelectric license.

**SSB 5436: REGARDING THE USE OF ANTIFOULING PAINTS ON RECREATIONAL WATER VESSELS**

*Prime Sponsor: Senator Ranker*

*\*SHB 1785 was not enacted, but the provisions are substantially similar to those in SSB 5436.*

*\*Signed by the Governor*

- Prohibits the sale of new recreational water vessels, less than 65 feet in length, with antifouling paint containing copper, in the state after January 1, 2016.
- Beginning January 1, 2020, the sale of copper antifouling paint intended for use on recreational water vessels is prohibited.
- Requires the Department of Ecology (DOE) to study how antifouling paints affect marine organism and water quality.
- Requires DOE to survey the manufacturers of antifouling paints to determine the type of paints available and to report the findings of the survey to the Legislature by January 1, 2018.

**SSB 5451: CONCERNING SHORELINE STRUCTURES IN A MASTER PROGRAM ADOPTED UNDER THE SHORELINE MANAGEMENT ACT**

*Prime Sponsor: Senator Ranker*

*\*Signed by the Governor*

- Allows new or amended master programs approved by the Department of Ecology on or after September 1, 2011, to include provisions authorizing:
  - qualifying residential structures and appurtenant structures to be considered conforming structures; and
  - redevelopment, expansion, and changes with the class of occupancy or replacement of the residential structure if it is consistent with the master program.
- Appurtenant structures are defined to mean garages, sheds, and other legally established structures.

**2SSB 5622: CONCERNING RECREATION ACCESS ON STATE LANDS**

*Prime Sponsor: Senator Ranker*

*\*SHB 1796 was not enacted, but the provisions are substantially similar to those in 2SSB 5622.*

*\*Signed by the Governor*

- Creates the annual Discover Pass for \$30 and the day-use permit for \$10 for access to State Parks and Recreation Commission, Department of Fish and Wildlife, and Department of Natural Resource recreational sites and areas.
- Provides a complimentary Discover Pass to an individual who performs 24 hours of volunteer work at an agency-sanctioned volunteer project.
- Requires the revenues generated from the Discover Pass and day-use permit to be distributed to the three agencies for maintenance and operation of the agencies' recreational sites and lands.

**SSB 5688: CONCERNING SHARK FINNING ACTIVITIES**

*Prime Sponsor: Senator Ranker*

*\*Signed by the Governor*

- Prohibits a person from commercial transactions involving shark fins, including the preparation of shark fins for consumption for commercial purposes.
- Establishes penalties for a violation, including criminal penalties and the suspension of commercial fishing privileges.
- Provides exemptions for educational purposes, scientific purposes, and shark fins lawfully acquired prior to the effective date of the act.

**SSB 5784: ADVANCING THE REGIONAL OCEAN PARTNERSHIP**

*Prime Sponsor: Senator Litzow*

*\*Signed by the Governor*

- Recognizes the existing West Coast Governors' Agreement on Ocean Health as an important step towards interstate collaboration between Washington, Oregon, and California.
- Recognizes the potential for federal resources and policy gains resulting from interstate collaboration, and calls for continued coordination between the Governors and state Legislatures.

- Directs the Governor to make funding recommendations to the Legislature when funds are deposited into the existing Marine Resources Stewardship Account.

**SSJM 8004: REQUESTING THE REESTABLISHMENT OF THE ROAD LEADING TO THE UPPER STEHEKIN VALLEY WITHIN THE NORTH CASCADES NATIONAL PARK**

*Prime Sponsor: Senator Parlette*

- Requests the United States Congress, the United States Department of the Interior, and the National Park Service to work with Washington State to reestablish the road allowing access to the upper Stehekin Valley within the North Cascades National Park.

**SHB 1084: CREATING THE BOARD ON GEOGRAPHIC NAMES**

*Prime Sponsor: Representative McCoy*

*(SB 5610 Senator Conway)*

*\*Signed by the Governor/partial veto*

- Reestablishes the Board on Geographic Names, which was repealed during the 2010 legislative session.
- Requires the Board of Natural Resources to serve as the Board on Geographic Names and to establish a committee to assign names for lakes, mountains, streams, places, towns, and other geographic features within the state.
- ~~Contains a null and void clause.~~ (PV)

**HB 1106: AUTHORIZING DISPOSAL OF PROPERTY WITHIN THE SEASHORE CONSERVATION AREA TO RESOLVE BOUNDARY DISPUTES**

*Prime Sponsor: Representative Takko*

*(SB 5084 Senator Regala)*

*\*Signed by the Governor*

- Allows the State Parks and Recreation Commission to dispose of land within the Seashore Conversation Area to resolve property ownership disputes, if certain conditions are met.

**SHB 1148: CONCERNING THE ESTABLISHMENT OF A LICENSE LIMITATION PROGRAM FOR THE HARVEST AND DELIVERY OF SPOT SHRIMP ORIGINATING FROM COASTAL OR OFFSHORE WATERS INTO THE STATE**

*Prime Sponsor: Representative Blake*

*\*Signed by the Governor*

- Establishes a new limited-entry commercial licensing allowing a fisher to fish for, possess, and deliver spot shrimp. Currently the fishery is managed as an emerging commercial fishery established by rule of the Department of Fish and Wildlife (DFW).
- Sets the annual fee for the license at \$185 for a resident and \$295 for a nonresident, which mirror the fees in the current emerging commercial fishery.
- Specifies aspects of the fishery including a limitation on vessel length and DFW's authority to close the fishery at any time to conserve the resource.

**E2SHB 1186: CONCERNING REQUIREMENTS UNDER THE STATE'S OIL SPILL PROGRAM**

*Prime Sponsor: Representative Rolfes*

*(SB 5439 Senator Ranker)*

*\*Signed by the Governor*

- Requires the Department of Ecology (DOE) to evaluate and update planning standards for oil spill response equipment, including aerial surveillance equipment, in order to ensure that the equipment provides the best achievable protection to respond to a worst case spill.
- Requires DOE to adopt rules to improve the effectiveness of the vessels of opportunity system, which uses commercial vessels to assist with oil spill response.
- Addresses other aspects of the state's oil spill response system including volunteer coordination, response drills, notice of vessel emergencies, and liability for oil spills.

## **SHB 1254: REGARDING THE INSTITUTE OF FOREST RESOURCES**

*Prime Sponsor: Representative Lytton*

*\*SSB 5123 was not enacted, but the provisions are substantially similar to those in SHB 1254.*

*\*Signed by the Governor*

- Amends the authorizing statutes for the University of Washington's (UW) Institute of Forest Resources (Institute) both technically and substantively to modernize the language.
- Requires the Director of the Institute to coordinate and integrate the cooperatives and research centers within UW's school of Forest Resources.
- Provides the authority to create an advisory committee to assist the Institute.

## **SHB 1294: ESTABLISHING THE PUGET SOUND CORPS**

*Prime Sponsor: Representative Tharinger*

*(ESSB 5230 Senator Ranker)*

*\*Signed by the Governor*

- Consolidates the Washington Conservation Corps (WCC) program and centralizes the administration in the Department of Ecology.
- Creates the Puget Sound Corps as a discrete program within the WCC to work on restoration of Puget Sound.
- Requires state agencies to contract with the Washington Department of Veterans Affairs for at least 5 percent of the federal funding for Veteran Conservation Corps Crews. This requirement applies statewide.

## **HB 1340: REGARDING THE UNLAWFUL HUNTING OF BIG GAME**

*Prime Sponsor: Representative Kretz*

*\*Signed by the Governor*

- Allows a person to be convicted of unlawful hunting of big game in the first degree if a hunting violation involves three or more big game animals in the same course of events.
- Unlawful hunting of big game in the first degree is a class C felony.

## **HB 1413: EXTENDING THE EXPIRATION DATE OF THE INVASIVE SPECIES COUNCIL AND THE INVASIVE SPECIES COUNCIL ACCOUNT FROM DECEMBER 31, 2011, TO JUNE 30, 2017**

*Prime Sponsor: Representative Blake*

*(SB 5090 Senator Regala)*

*\*Signed by the Governor*

- Extends the expiration date of the Invasive Species Council (Council) from December 31, 2011, to June 30, 2017. The Legislature established the Council in 2006, and the Council provides policy level direction, planning, and coordination regarding the prevention and control of invasive species issues in Washington.

## **ESHB 1421: PROVIDING AUTHORITY TO CREATE A COMMUNITY FOREST TRUST**

*Prime Sponsor: Representative Rolfes*

*(SSB 5272 Senator Fraser)*

*\*Signed by the Governor*

- Authorizes the Department of Natural Resources (DNR) to create and manage the Community Forest Trust (CFT) as a discrete category of non-fiduciary trust lands actively managed to sustain working forest conservation objectives.
- Requires DNR to develop criteria for identifying and prioritizing forest land that is suitable for potential inclusion in the CFT.
- Requires DNR to obtain a commitment from the local community to preserve the land as a working forest with a financial contribution of at least 50 percent of the difference between the parcel's fair market value and its timber value.

## **SHB 1422: AUTHORIZING A FOREST BIOMASS TO AVIATION FUEL DEMONSTRATION PROJECT**

*Prime Sponsor: Representative Stanford*

*(SSB 5273 Senator Hargrove)*

*\*Signed by the Governor*

- Authorizes the Departments of Natural Resources (DNR) and Commerce to cooperate and consult with the University of Washington and Washington State University in their development of forest biomass to aviation fuel.
- Requires DNR to report to the Governor and the Legislature by December 1, 2011, on the status, research activities, and pilot projects pertaining to biomass to aviation fuel.

**SHB 1453: REGARDING COMMERCIAL SHELLFISH ENFORCEMENT**

*Prime Sponsor: Representative Rolfes*

*(SB 5369 Senator Regala)*

*\*Signed by the Governor*

- Prohibits a person with suspended commercial shellfish privileges from participating in the retail sale, brokering, or purchase for resale of shellfish.
- Updates statutory language relating to the enforcement of sanitary shellfish requirements.

**ESHB 1509: CONCERNING THE FORESTRY RIPARIAN EASEMENT PROGRAM**

*Prime Sponsor: Representative Blake*

*(SB 5551 Senator Ranker)*

*\*Signed by the Governor/partial veto*

- Requires a participant in the Forestry Riparian Easement Program (FREP) to be a nongovernmental, for-profit legal entity. Expands the definition of qualifying timber that can be compensated and limits the compensation for trees left unharvested on unstable slopes to \$50,000 during any two-year period. Requires a recipient of funding from FREP to repay the total amount received if the recipient sells his or her land within ten years to someone who does not qualify for participation in FREP.
- Requires the Department of Natural Resources to submit a list to the Governor of all FREP applications for determining the number of applications to receive funding in the Governor's capital budget request to the Legislature.
- ~~Contains an emergency clause making the bill effective on July 1, 2011.~~ (PV)

**HB 1582: CONCERNING FOREST PRACTICES APPLICATIONS LEADING TO CONVERSION OF LAND FOR DEVELOPMENT PURPOSES**

*Prime Sponsor: Representative Lytton*

*(SSB 5211 Senator Haugen)*

*\*Signed by the Governor*

- Removes references in the Forest Practices Act to lands that were platted after January 1, 1960. These lands will not fall under the Class IV forest practices classification and are no longer assumed to be lands that will be converted to a non-forestry land use.
- States Class IV forest practices include activities where forest lands are being converted to another use.

**HB 1698: IMPROVING RECREATIONAL FISHING OPPORTUNITIES IN PUGET SOUND AND LAKE WASHINGTON**

*Prime Sponsor: Representative Lytton*

*(SB 5291 Senator Swecker)*

*\*Signed by the Governor*

- Directs the Department of Fish and Wildlife (DFW) to manage the Puget Sound Recreational Fisheries Enhancement Program (Program) consistent with available revenue, Fish and Wildlife Commission policies, and the federal Endangered Species Act. This broader legislative guidance replaces numerous specific short- and long-term goals previously established in statute.
- Specifies additional coordination between DFW and recreational stakeholders including the review of Program goals, activities, and expenditures.

**SHB 1783: AMENDING THE CONSIDERATION OF HOUSEBOATS AND HOUSEBOAT MOORAGES FOR THE PURPOSES OF AQUATIC LANDS AND SHORELINE MANAGEMENT**

*Prime Sponsor: Representative Pedersen*

*(SB 5623 Senator Murray)*

*\*Signed by the Governor*

- Requires a floating home permitted or legally established before January 1, 2011, to be classified as a conforming preferred use.
- Defines "conforming preferred use" and "floating home" under the Shoreline Management Act.

**SHB 1785:    LIMITING THE USE OF CERTAIN ANTIFOULING PAINTS.**

*Prime Sponsor: Representative Uptegrove*

*\*SHB 1785 was not enacted, but the provisions are substantially similar to those in SSB 5436.*

**SHB 1796:    CONCERNING RECREATION ACCESS ON STATE LANDS**

*Prime Sponsor: Representative Van De Wege*

*\*SHB 1796 was not enacted, but the provisions are substantially similar to those in 2SSB 5622.*

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# TRANSPORTATION

786-7300

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**ESB 5061: RECONCILING CHANGES MADE TO VEHICLE AND VESSEL REGISTRATION AND TITLE PROVISIONS DURING THE 2010 LEGISLATIVE SESSIONS**

*Prime Sponsor: Senator Swecker*

*\*Signed by the Governor*

- Makes various technical corrections to certain vehicle and vessel registration statutes as a result of (1) oversight or error in drafting SB 6379 from 2010, (2) double amendments made during the 2010 legislative sessions, and (3) the recodification from SB 6379.

**SB 5141: LIMITING THE ISSUANCE OF MOTORCYCLE INSTRUCTION PERMITS**

*Prime Sponsor: Senator Rockefeller*

*(HB 1543 Representative Rolfes)*

*\*Signed by the Governor*

- Limits the Department of Licensing (DOL) to issuing a third motorcycle instruction permit only upon presentation of documented evidence that the permittee is enrolled in an authorized motorcycle skills education program.
- Limits the DOL to issuing no more than three motorcycle instruction permits to an applicant within a five-year period.

**SSB 5337: AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE TO PRIVATELY OWNED AIRPORTS AVAILABLE FOR GENERAL USE OF THE PUBLIC**

*Prime Sponsor: Senator Stevens*

*\*Signed by the Governor*

- Allows privately-owned airports that are available for general public use to be eligible for grants or loans from Washington State Department of Transportation (WSDOT)-Aviation.
- Directs WSDOT to establish, through rule, criteria for grants and loans administered by WSDOT-Aviation.

**SSB 5405: PROMOTING EFFICIENCY IN THE WASHINGTON STATE FERRY SYSTEM THROUGH PERSONNEL AND ADMINISTRATION REFORMS**

*Prime Sponsor: Senator Haugen*

*\* SSB 5405 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

**SSB 5406: PROVIDING TOOLS FOR IMPROVING AND MEASURING THE PERFORMANCE OF STATE FERRY SYSTEM MANAGEMENT**

*Prime Sponsor: Senator Haugen*

*(SHB 1516 Representative Morris)*

*\* SSB 5406 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

**SB 5408: CONCERNING WASHINGTON STATE FERRY SYSTEM PERSONNEL AND PROJECTS**

*Prime Sponsor: Senator King*

*(HB 1512 Representative Armstrong)*

*\* SB 5408 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

**ESSB 5457: PROVIDING A CONGESTION REDUCTION CHARGE TO FUND THE OPERATIONAL AND CAPITAL NEEDS OF TRANSIT AGENCIES**

*Prime Sponsor: Senator White*

*(HB 1536 Representative Liias)*

*\*Signed by the Governor*

- Authorizes a Metropolitan Municipal Corporation to impose, with a two-thirds majority approval of the governing body or by a simple majority vote of the people, a temporary congestion reduction charge on certain vehicles of up to \$20.

**SSB 5502: CONCERNING THE REGULATION, OPERATIONS, AND SAFETY OF LIMOUSINE CARRIERS**

*Prime Sponsor: Senator White*

*\*Signed by the Governor*

- Allows cities with a population of 500,000 or more to enter into cooperative agreements with the Department of Licensing to regulate limousines, including the transfer of fee and fine revenue to offset city enforcement costs.
- Removes the requirement that a limousine carrier must operate from an office that is not solely in a vehicle.
- Clarifies the types of documents that suffice to prove that a trip has been prearranged and clarifies where the documents must be stored.
- Creates civil infractions related to retaining documents, meeting vehicle standards, operating without a carrier license or vehicle certificate, and soliciting customers.
- Adds requirements to qualify as a limousine chauffeur.
- Limits the fee for limousine vehicle certificates, carrier licenses, and vehicle inspections.

**SSB 5540: AUTHORIZING THE USE OF AUTOMATED SCHOOL BUS SAFETY CAMERAS**

*Prime Sponsor: Senator Hobbs*

*\*Signed by the Governor*

- Authorizes school districts to install automated school bus safety cameras on school buses to detect vehicles that fail to stop for a school bus that displays a stop signal.
- Limits how school districts may enter into contracts with camera vendors and how the vendors may be compensated.
- Requires infractions issued by automated school bus safety cameras to be processed like parking infractions and provides that any revenue collected, less the cost to operate the program, must be remitted to school districts for school zone safety projects.

**ESSB 5585: CONCERNING STREET ROD AND CUSTOM VEHICLES**

*Prime Sponsor: Senator Carrell*

*\*Signed by the Governor*

- Redefines the definition of a street rod vehicle.
- Establishes the definition of a custom vehicle.
- Allows street rod vehicles and custom vehicles to use blue dot tail lights.
- Repeals various provisions of existing law regarding parts cars and street rod vehicles.

**SB 5589: ADDRESSING HEAVY HAUL INDUSTRIAL CORRIDORS**

*Prime Sponsor: Senator Morton*

*\*Signed by the Governor*

- Extends the State Route 97 (SR 97) heavy-haul industrial corridor by one-tenth of a mile.
- Increases the maximum weight allowed on the SR 97 heavy-haul industrial corridor by 2,206 pounds.

**SSB 5658: CONCERNING THE SALE OR EXCHANGE OF SURPLUS REAL PROPERTY BY THE DEPARTMENT OF TRANSPORTATION**

*Prime Sponsor: Senator King*

*\*Signed by the Governor*

- Specifies that the Department of Transportation may only remove property from an auction if the requestor provides the lesser of 10 percent of the fair market value or \$5,000.
- Provides that if the requestor is unable to complete the sale within 60 days, the requestor loses the down payment and the property is put back up for sale.

**SSB 5700: CONCERNING CERTAIN TOLL FACILITIES**

*Prime Sponsor: Senator Haugen*

*(HB 1887 Representative Clibborn)*

*\*Signed by the Governor/partial veto*

- Approves the Transportation Commission's actions last January to (1) adopt the schedule of toll rates applicable to the State Route 520 (SR 520) corridor, (2) adopt the schedule of photo toll charges applicable to the Tacoma Narrows Bridge, and (3) adopt the assessment of administrative fees for toll collection processes.
- Authorizes the Transportation Commission to set and adjust toll rates on the SR 520 corridor in accordance with previously enacted statutory criteria.
- Authorizes the Transportation Commission to exceed the SR 520 toll rates only in amounts not greater than those sufficient to meet maintenance and operating costs on the corridor and to make debt service payments and other associated financing costs.
- Intent section vetoed. (PV)

**2ESSB 5742: CONCERNING THE WASHINGTON STATE FERRY SYSTEM**

*Prime Sponsor: Senator Haugen*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

*\*SHB 1516, HB 1512, HB 1119, HB 2079, SHB 1511, SSB 5405, SSB 5406, and SB 5408 were not enacted, but the provisions are similar as described below:*

- Creates the Capital Vessel Replacement Account to be used only for ferry vessel procurements.
- Directs the Transportation Commission to impose a 25 cent surcharge on all Washington State Ferry (WSF) fares, the proceeds of which are to be deposited into the new account and used first for a 144-capacity ferry vessel.
- Exempts state and county ferry fuel purchases from sales and use taxes, starting July 1, 2013.
- Defines management rights as they relate to collective bargaining, severs WSF captains from their current union starting July 1, 2013, allows WSF captains to be in their own union, and defines captains' duties.
- Defines WSF performance measures and establishes a governor's ad hoc committee to determine performance measure targets, ~~and outlines consequences of not meeting the targets.~~ (PV)
- Transfers all responsibilities of the Marine Employees Commission (MEC) to the Public Employment Relations Committee (PERC), with the exception that until June 30, 2013, all PERC processes will be followed and the MEC is established under PERC to handle only appeals, and then abolishes the MEC July 1, 2013.

**SSB 5791: ALLOWING CERTAIN COMMERCIAL ACTIVITY AT CERTAIN PARK AND RIDE LOTS**

*Prime Sponsor: Senator Hobbs*

*\*Signed by the Governor*

- Allows the Washington State Department of Transportation and certain transit agencies to contract with private vendors to provide various services at park and ride lots, such as food or beverage services, grocery and convenience store services, or other private enterprise services that are of benefit to the traveling public.

**SSB 5797: ELIMINATING THE URBAN ARTERIAL TRUST ACCOUNT**

*Prime Sponsor: Senator Fain*

*\*Signed by the Governor*

- Eliminates the Urban Arterial Trust Account and transfers all deposits into the Transportation Improvement Account.

**SSB 5800: AUTHORIZING THE USE OF MODIFIED OFF-ROAD MOTORCYCLES ON PUBLIC ROADS**

*Prime Sponsor: Senator King*

*\*Signed by the Governor*

- Establishes a definition for an off-road motorcycle.
- Permits the conversion of off-road motorcycles for use on a public road, street, or highway.
- Establishes operator rules and responsibilities for the operation of off-road motorcycles for use on a public road, street, or highway.
- Establishes equipment requirements for off-road motorcycles to be used on a public road, street, or highway.
- Requires the Department of Licensing to establish a declaration pertaining to inspection of the motorcycle and liability release to be submitted by an off-road motorcycle owner when applying for on-road registration.

**SSB 5836: ALLOWING CERTAIN PRIVATE TRANSPORTATION PROVIDERS TO USE CERTAIN PUBLIC TRANSPORTATION FACILITIES**

*Prime Sponsor: Senator King*

*(HB 1985 Representative Clibborn)*

*\*Signed by the Governor*

- Authorizes the Washington State Department of Transportation (WSDOT) and local jurisdictions to allow certain private transportation provider vehicles to use high occupancy vehicle lanes and lanes reserved for public transportation on highways, except for transit-only lanes that allow other vehicles to access abutting businesses.
- Requires transit agencies that receive state funding for park and ride lots to make reasonable accommodations for certain private transportation providers unless the facility is at or exceeds 90 percent capacity during two consecutive months.
- Encourages local authorities to establish a process for private transportation providers to apply for the use of park and ride lots, and requires WSDOT to convene a stakeholder process to develop standard forms, permit rates, and indemnification provisions for use by local authorities.
- Requires WSDOT and local authorities, when designing portions of roadways intended for the exclusive or preferential use of public transportation, to consider whether the design will safely accommodate certain private transportation provider vehicles.

**SHB 1024: ADDING TO THE SCENIC AND RECREATIONAL HIGHWAY SYSTEM**

*Prime Sponsor: Representative Fagan*

*(SSB 5003 Senator Schoesler)*

*\*Signed by the Governor*

- Adds a portion of State Route 27 (between Tekoa and Rockford) and State Route 278 to the Scenic & Recreational Highway System.

**SHB 1046: CONCERNING VEHICLE AND VESSEL QUICK TITLE**

*Prime Sponsor: Representative Moeller*

*(SSB 5038 Senator Haugen)*

*\*Signed by the Governor*

- Defines a quick title as a certificate of ownership of a vehicle or vessel printed at the time of application, which fee is set at \$50.
- Allows quick titles to be processed by the Department of Licensing (DOL), county auditors, and, under certain circumstances, subagents.
- Provides that if a quick title is processed by DOL, the entire amount is deposited into the Motor Vehicle Account (MVA) (for vehicle titles) or the General Fund (GF) (for vessel titles).
- Provides that if a quick title is processed by a county auditor or subagent, half the fee is retained by the county auditor and the other half is deposited into the MVA or GF.

## **ESHB 1071: CREATING A COMPLETE STREETS GRANT PROGRAM**

*Prime Sponsor: Representative Moeller*

*\*Signed by the Governor*

- Establishes a Complete Streets Grant Program within the Highways and Local Programs division of the Washington State Department of Transportation (WSDOT) that encourages local governments to adopt ordinances to provide safe access to users.
- Creates the Complete Streets Grant Program Account in the state treasury.
- Requires WSDOT to consult with local jurisdictions prior to any design work when reconstructing or making major improvements to city streets that are part of a state highway.

## **SHB 1103: MODIFYING THE USE OF TELEVISION VIEWERS IN MOTOR VEHICLES**

*Prime Sponsor: Representative Kristiansen*

*\*Signed by the Governor*

- Prohibits a person from driving a motor vehicle with equipment capable of receiving a television broadcast when moving images are visible to the driver.
- Removes the requirement that equipment capable of receiving television broadcasts must be located behind the back of the driver's seat.
- Provides for an exemption for screens that provide the driver live video of the items behind the motor vehicle as the vehicle is being backed up.

## **HB 1119: PRIVATIZING THE MANAGEMENT OF THE STATE FERRY SYSTEM**

*Prime Sponsor: Representative Morris*

*\*HB 1119 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

## **HB 1129: INCLUDING A BICYCLE AND PEDESTRIAN TRAFFIC SAFETY CURRICULUM IN CERTAIN TRAFFIC SCHOOLS AND SAFETY COURSES**

*Prime Sponsor: Representative Klippert*

*\*Signed by the Governor*

- Requires jurisdictions that conduct traffic schools, in connection with a condition of a deferral, sentence, or penalty for a traffic infraction or a traffic-related criminal offense, to utilize the curriculum for driving safely among bicyclists and pedestrians approved by the Department of Licensing.
- Provides that the traffic school curriculum does not have to devote more than 30 minutes to the bicycle and pedestrian curriculum.

## **SHB 1136: CREATING VOLUNTEER FIREFIGHTER SPECIAL LICENSE PLATES**

*Prime Sponsor: Representative Eddy*

*\*Signed by the Governor*

- Creates the volunteer firefighter special license plate, effective January 1, 2012.
- Specifies requirements for eligibility to receive a volunteer firefighter special license plate.
- Requires the Department of Licensing to report certain findings regarding the implementation of the special license plate to the Joint Transportation Committee.

## **EHB 1171: CONCERNING HIGH CAPACITY TRANSPORTATION SYSTEM PLAN COMPONENTS AND REVIEW**

*Prime Sponsor: Representative Rolfes*

*(ESB 5205 Senator Kilmer)*

*\*Signed by the Governor*

- Limits the planning process and expert review panel process required of local authorities seeking to implement a high capacity transportation system to (1) systems where the plan includes a rail fixed guideway component or (2) Regional Transit Authorities.

**ESHB 1175: MAKING TRANSPORTATION APPROPRIATIONS FOR THE 2009-2011 AND 2011-2013 FISCAL BIENNA**

*Prime Sponsor: Representative Clibborn*

*(SSB 5176 Senator Haugen)*

*\*Signed by the Governor/partial veto*

- Makes appropriations for state transportation agencies and programs for the 2011-13 fiscal biennium.
- Modifies the 2009-11 biennial appropriations for various transportation agencies and programs.
- The Governor vetoed twenty-three appropriation items or sections, resulting in a reduction of \$648,000 in Motor Vehicle Account federal appropriations for the 11-13 fiscal period, and a restoration of \$7.5M in Multimodal Transportation Account state appropriations and a reduction of \$100,000 Multimodal Transportation Account federal appropriations through the end of the 09-11 fiscal period. (PV)
- A copy of the Governor's veto message can be found at:  
<http://www.governor.wa.gov/billaction/2011/veto/1175.pdf>

**HB 1215: CLARIFYING THE APPLICATION OF THE FIFTEEN-DAY STORAGE LIMIT ON LIENS FOR IMPOUNDED VEHICLES**

*Prime Sponsor: Representative Liias*

*\*Signed by the Governor*

- Clarifies that tow truck operators may accumulate storage charges on abandoned vehicles prior to the receipt of information about the owner from the Department of Licensing.
- Provides that abandoned vehicles that are redeemed by an owner prior to a sale at auction are not subject to the 15-day limit and the vehicle owner must pay all accumulated storage charges from the time of impoundment up to the time of redemption.

**HB 1229: CONCERNING CERTAIN COMMERCIAL MOTOR VEHICLE PROVISIONS**

*Prime Sponsor: Representative Moscoso*

*(SB 5629 Senator White)*

*\*Signed by the Governor*

- Requires every person who applies for a commercial driver's license (CDL) to certify that he or she expects to engage in one of four types of driving.
- Requires CDL applicants and CDL holders who self-certify for nonexcepted interstate driving to provide a medical examiner's certificate to the Department of Licensing (DOL).
- Requires DOL to meet certain requirements related to recordkeeping and downgrading of CDLs.
- Increases monetary penalties for a CDL holder who is convicted of violating an out-of-service order.

**SHB 1237: CONCERNING FEDERAL SELECTIVE SERVICE REGISTRATION UPON APPLICATION FOR AN INSTRUCTION PERMIT, INTERMEDIATE LICENSE, DRIVER'S LICENSE, OR IDENTICARD**

*Prime Sponsor: Representative Haler*

*\*Signed by the Governor*

- Requires the Department of Licensing (DOL) to provide the opportunity for males under age 26 to register with the Selective Service System when they are applying for a driver's license/permit/identocard.
- Prohibits DOL from creating a record that indicates an applicant has declined to register, or from denying a license/permit/identocard because an applicant has declined to register.
- Exempts from public disclosure, information regarding an applicant's declining the opportunity to register.

**HB 1306: REMOVING THE EXPIRATION DATE FOR EXEMPTING APPLICANTS WHO OPERATE COMMERCIAL MOTOR VEHICLES FOR AGRIBUSINESS PURPOSES FROM CERTAIN COMMERCIAL DRIVER'S LICENSE REQUIREMENTS**

*Prime Sponsor: Representative Lytton*

*(SSB 5215 Senator Hobbs)*

*\*Signed by the Governor*

- Continues the current exemption from certain commercial driver's license provisions for individuals operating commercial motor vehicles for agribusiness purposes.

## **SHB 1328: CONCERNING THE OPERATION OF MOTORCYCLES**

*Prime Sponsor: Representative Van De Wege*

*\*Signed by the Governor*

- Suspends certain provisions related to motorcycle equipment standards and helmet use with respect to the operation of motorcycles on closed roads during locally permitted parades or public demonstrations.

## **SHB 1329: CREATING "MUSIC MATTERS" SPECIAL LICENSE PLATES**

*Prime Sponsor: Representative Maxwell*

*(SB 5724 Senator Murray)*

*\*Signed by the Governor*

- Creates the "Music Matters" special license plate, effective January 1, 2012.
- Creates the "Music Matters" Awareness Account in the state treasury.
- Requires the Music Matters organization to provide the start-up costs and signatures for the Music Matters special license plate as part of its application to the Department of Licensing (DOL).
- Requires DOL to report certain findings regarding implementation of the Music Matters special license plate program to the Joint Transportation Committee.

## **HB 1358: MODIFYING COMBINATION OF VEHICLE PROVISIONS**

*Prime Sponsor: Representative Klippert*

*(SB 5260 Senator King)*

*\*Signed by the Governor*

- Removes the state statute that is not in compliance with federal law regarding saddlemount combination vehicles.

## **EHB 1382: CONCERNING THE USE OF EXPRESS TOLL LANES IN THE EASTSIDE CORRIDOR**

*Prime Sponsor: Representative Clibborn*

*(SB 5490 Senator Prentice)*

*\*Signed by the Governor*

- Authorizes tolling on the northern section of Interstate 405 (I-405) between Bellevue and Interstate 5 (I-5).
- Prohibits tolling until capacity improvements within the section of I-405 to be tolled have been completed and provides that equipment to operate Express Toll Lanes (ETLs) may not be contracted for until specific appropriation authority has been provided for this purpose in 2012.
- Terminates the project if, within two years, the I-405 ETLs project does not generate enough revenues to cover expenditures and speeds drop below an average of 45 miles per hour 90 percent of the time during peak periods.
- Creates the I-405 ETL Operations Account as a subaccount of the Motor Vehicle Fund.

## **SHB 1384: CONCERNING PUBLIC IMPROVEMENT CONTRACTS INVOLVING CERTAIN FEDERALLY FUNDED TRANSPORTATION PROJECTS**

*Prime Sponsor: Representative Moscoso*

*\*Signed by the Governor*

- Provides that a contract bond instead of retainage must be relied on to pay any claims for public improvement contracts involving federal transportation funds and involving construction of roads.
- Allow full payment to disadvantaged business enterprises within 30 days of work being complete when using a contract bond.

## **HB 1473: CONCERNING THE USE OF EXISTING FEES COLLECTED FOR THE COST OF TRAFFIC SCHOOLS**

*Prime Sponsor: Representative Parker*

*\*Signed by the Governor*

- Allows excess fees collected for attending a traffic school to be used for safe driving materials and programs, safe driving promotions and advertising, and law enforcement training.
- Limits the fee charged for traffic schools to the amount of the penalty for an unscheduled traffic infraction.

**SHB 1483: MODIFYING THE FORM FOR A NOTICE OF TRAFFIC INFRACTION**

*Prime Sponsor: Representative Pearson*

*\*Signed by the Governor*

- Requires that a form for a notice of traffic infraction include a statement that the person may be able to enter into a payment plan with the court.

**SHB 1511: PROMOTING EFFICIENCY IN THE WASHINGTON STATE FERRY SYSTEM THROUGH PERSONNEL AND ADMINISTRATION REFORMS**

*Prime Sponsor: Representative Clibborn*

*\* SHB 1511 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

**HB 1512: CONCERNING WASHINGTON STATE FERRY SYSTEM PERSONNEL AND PROJECTS**

*Prime Sponsor: Representative Armstrong (SB 5408 Senator King)*

*\* HB 1512 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

**SHB 1516: CONCERNING THE PERFORMANCE OF STATE FERRY SYSTEM MANAGEMENT**

*Prime Sponsor: Representative Morris (SSB 5406 Senator Haugen)*

*\* SHB 1516 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

**HB 1520: MODIFYING STATE ROUTE NUMBER 527**

*Prime Sponsor: Representative Moscoso*

*(SB 5430 Senator McAuliffe)*

*\*Signed by the Governor*

- Transfers a 2.5 mile section of State Route 527 between State Route 522 and Interstate 405 from the state Highway System to the City of Bothell.

**ESHB 1635: CONCERNING THE ADMINISTRATION OF EXAMS FOR AND ISSUANCE AND RENEWAL OF CERTAIN DRIVERS' LICENSES AND IDENTICARDS**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- The Department of Licensing (DOL) may enter into agreements with school districts and driver training schools to administer parts of the driver's exams that are required for obtaining a driver's license.
- The agreements must allow DOL to retest random samples of drivers who take the test through a school district or driver training school and cancel the license if they don't pass the DOL exam.
- DOL is required to administer exams in at least one licensing service office per region, even if adequate exam services are otherwise provided by the schools.

**SHB 1861: CONCERNING THE SALE OR LEASE OF SURPLUS STATE-OWNED RAILROAD PROPERTIES**

*Prime Sponsor: Representative Armstrong*

*\*Signed by the Governor/partial veto*

- Allows the Department of Transportation to sell or lease at fair market value any property that is not essential for the operation of rail service to a prioritized list of entities, including the current tenant or leaser, which sale or lease may occur immediately.
- Requires any revenue received from operating leases or sales of property related to the Palouse River and Coulee City Railroad (PCC) to be used only for the refurbishment or improvement of the PCC.
- ~~Contains an emergency clause and takes effect immediately.~~ (PV)

## **SHB 1897: ESTABLISHING A RURAL MOBILITY GRANT PROGRAM**

*Prime Sponsor: Representative Billig*

*\*Signed by the Governor*

- Creates the Rural Mobility Grant Program Account.
- Establishes quarterly transfers of \$2.5 million from the Multimodal Transportation Account to the Rural Mobility Grant Program Account.
- Requires funds in the Rural Mobility Grant Program Account to be evenly divided between competitive and noncompetitive grants for rural transit mobility.
- Creates a pilot project during the 2011-13 biennium, from the Rural Mobility Grant Program Account, for enhanced transit opportunities for agricultural workers.

## **ESHB 1922: REQUIRING CERTAIN VEHICLES TO STOP AT A PORT OF ENTRY UPON ENTERING THE STATE**

*Prime Sponsor: Representative Shea*

*\*Signed by the Governor*

- Requires commercial vehicles with a gross vehicle weight of 40,000 pounds or more and transporting cattle into certain counties to stop at a port of entry.
- Establishes a penalty of \$1,000 for failure to comply, with the fines being deposited into the Motor Vehicle Fund for road maintenance.

## **SHB 1933: ADDRESSING CERTAIN COLLECTOR VEHICLE LICENSE PLATE PROVISIONS**

*Prime Sponsor: Representative Finn*

*\*Signed by the Governor*

- Directs the Department of Licensing to provide a method by which law enforcement officers may readily access vehicle information for collector vehicles.
- Implements a penalty for a person using a facsimile collector license plate.
- Subjects any person who knowingly provides a false or facsimile license plate for a collector vehicle to be charged with a traffic infraction, with a monetary penalty of \$216 and \$35 for the cost of a custom plate.

## **SHB 1966: CLARIFYING THAT ANIMAL MANURE IS AN AGRICULTURAL PRODUCT FOR THE PURPOSES OF COMMERCIAL DRIVERS' LICENSES**

*Prime Sponsor: Representative Pearson*

*\*Signed by the Governor*

- Adds animal manure and animal manure compost to the list of products that may be carried by the operator of a farm vehicle without having to obtain a commercial driver's license.

## **ESHB 1967: CONCERNING PUBLIC TRANSPORTATION SYSTEMS**

*Prime Sponsor: Representative Fitzgibbon*

*(SB 5796 Senator Haugen)*

*\*Signed by the Governor/partial veto*

- Modifies the due dates, and in some cases the subject matter, for various reports regarding public transportation systems.
- ~~Requires that new state facilities be sited only after consultation with the local transit agency, if one exists, to ensure that the new facility is located in an area that is adequately accessible by transit service. (PV)~~

## **HB 2079: CONCERNING THE WASHINGTON STATE FERRY SYSTEM MANAGEMENT AND FERRY CONSTRUCTION**

*Prime Sponsor: Representative Morris*

*\* HB 2079 was not enacted, but the provisions are substantially similar to those in 2ESSB 5742.*

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## WAYS & MEANS

786-7715

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### **SB 5044: CONCERNING THE TAX PREFERENCE REVIEW PROCESS**

*Prime Sponsor: Senator Rockefeller*

*(HB 1286 Representative Orcutt)*

*\*Signed by the Governor*

- The mandatory requirement that the Citizen Commission for Performance Measurement of Tax Preferences (Commission) schedule tax preference reviews in the order tax preferences are enacted into law is replaced with a more flexible approach.
- The Joint Legislative Audit and Review Committee (JLARC) is allowed to consider other factors including, but not limited to, grouping preferences for review by type of industry, economic sector, or policy area in determining the schedule.
- The requirement that an expedited review can only be applied to preferences with a biennial fiscal impact of \$10 million or less is eliminated. The Commission is authorized to recommend an expedited review for any tax preference.
- An economic impact analysis is added to the list of factors to be considered by JLARC when reviewing tax preferences. For purposes of the analysis the state input-output model is to be used.

### **SB 5083: CLARIFYING THAT THE BASIS FOR BUSINESS AND OCCUPATION TAX FOR REAL ESTATE FIRMS IS THE COMMISSION AMOUNT RECEIVED BY EACH REAL ESTATE FIRM INVOLVED IN A TRANSACTION**

*Prime Sponsor: Senator Ranker*

*(HB 1184 Representative Maxwell)*

*\*Signed by the Governor/partial veto*

- Any real estate firm who receives a commission at the time of closing on a real estate transaction must pay the business and occupation (B&O) tax only upon their respective shares of the commission.
- Previously the commissions paid to referring brokers and other third-party brokers pyramided so that B&O tax was paid more than once.
- Terms and definitions are updated to be consistent with real estate licensing laws.
- ~~Contains a retroactivity clause.~~ (PV)

### **SSB 5167: CONCERNING TAX STATUTE CLARIFICATIONS AND TECHNICAL CORRECTIONS, INCLUDING FOR THE PURPOSES OF LOCAL RENTAL CAR TAXES**

*Prime Sponsor: Senator Schoesler*

*\*Signed by the Governor*

- Technical corrections and clarifications to the tax code are provided, including updating statutory references, merging double amendments, and combining redundant statutes.
- Removes the requirement that 75 percent of the receipts from the local 1 percent tax on car rentals be used for three of the four statutory purposes. Those three purposes are to acquire, construct, maintain, or operate a public sports stadium; to pay for services incidental to a public sports stadium facility; and debt service for the construction of a public sports stadium facility. The fourth statutory purpose for which tax receipts may be used is for youth or amateur sport activities or facilities.

### **SSB 5181: CONCERNING LIMITATIONS ON STATE DEBT**

*Prime Sponsor: Senator Parlette*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Reduces the working debt limit for general obligation bonds.

- Establishes a commission to examine debt policy and limits.

**SB 5289: CONCERNING A BUSINESS AND OCCUPATION TAX DEDUCTION FOR PAYMENTS MADE TO CERTAIN PROPERTY MANAGEMENT COMPANIES FOR PERSONNEL PERFORMING ON-SITE FUNCTIONS**

*Prime Sponsor: Senator Murray*

*(HB 1416 Representative Pettigrew)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- A business and occupation tax deduction is permitted for amounts that:
  - a nonprofit property management company receives for compensating on-site employees from the owner of property;
  - a property management company receives for compensating on-site employees from a housing authority; and
  - a property management company receives for compensating on-site employees from a limited liability company or limited partnership of which the sole managing member or sole general partner is a housing authority.

**SB 5304: REQUIRING FORECASTING OF CASELOADS OF THE WASHINGTON COLLEGE BOUND SCHOLARSHIP PROGRAM**

*Prime Sponsor: Senator Kilmer*

*\*Signed by the Governor*

- The Caseload Forecast Council is required to forecast the anticipated number of students eligible for the College Bound Scholarship Program who are also expected to attend an institution of higher education.
- The Caseload Forecast Council is required to submit this forecast to the Governor and the members of the legislative fiscal committees to facilitate budget development.

**SSB 5385: INCREASING REVENUE TO THE STATE WILDLIFE ACCOUNT**

*Prime Sponsor: Senator Regala*

*(SHB 1387 Representative Blake)*

*\*Signed by the Governor*

- This bill changes the fees charged for hunting and fishing permits throughout the state and moves all of the revenue to the State Wildlife Account; creates a commercial application fee; and eliminates the migratory bird stamp.
- Only 60 percent of the fees will increase in cost. The remaining 40 percent will either be decreased or no longer exist.
- The changed fees will increase revenue to the State Wildlife Account by over \$17 million and will bring the account into balance. Historically, this has been an account that falls into structural deficit and has needed general fund support to be in balance.

**SB 5501: CONCERNING THE TAXATION OF EMPLOYEE MEALS PROVIDED WITHOUT SPECIFIC CHARGE**

*Prime Sponsor: Senator Murray*

*(HB 1498 Representative Pettigrew)*

*\*Signed by the Governor*

- A B&O tax and a sales and use tax exemption are provided to restaurants for meals provided to employees without a specific charge to the employee.
- Restaurant is defined to be any establishment having special space and accommodation where food and beverages are regularly sold to the public for immediate, but not necessarily on-site, consumption.

**ESSB 5581: CONCERNING NURSING HOME**

*Prime Sponsor: Senator Keiser*

*(HB 1722 Representative Green)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Makes numerous changes to the nursing facility Medicaid rate payment methodology and also establishes the nursing home safety net assessment. The significant changes to the rate methodology include the following: further postponing rate rebasing, lowering the finance component's rate on return to 4.0 percent, authorizing

the Department of Social and Health Services (DSHS) to adjust the case mix index for the ten lowest acuity resource utilization groups, lowering the median cost lids, and raising minimum occupancy requirements.

- The nursing home safety net assessment is established on a per-resident day basis; however, it does not apply to Medicare residents and certain types of facilities are exempt from paying the fee. In addition, DSHS must administer the fee in a tiered manner such that a lower fee is assessed for either certain high volume Medicaid nursing facilities, as defined, or certain facilities with high resident volumes.
- Finally, DSHS is instructed to provide rate add-ons based on a comparison of the 2010 and 2011 rates and also for homes that experienced increases in client acuity, as demonstrated by changes in their direct care component.
- The sections of the act creating and dealing with the implementation of the safety net assessment are null and void if the federal Centers for Medicare and Medicaid Services does not approve the waiver of the broad-based and uniform requirements or does not approve the state Medicaid plan amendment incorporating the fee into the plan.

**SB 5628: CONCERNING A LIMITED PROPERTY TAX EXEMPTION FROM THE EMERGENCY MEDICAL SERVICES LEVY**

*Prime Sponsor: Senator Fain*

*(HB 1385 Representative Asay)*

*\*Signed by the Governor*

- The portions of the City of Milton which are located in King County are exempt from the King County EMS levy in order to address complications from overlapping property tax jurisdictions. This is accomplished by exempting all real and personal property from a county EMS levy if the following requirements are met: (1) the property is located in a county with a population of more than 1.5 million; (2) the property is located in a city included within two counties; and (3) the locally assessed value of the property in the portion of the city included is less than \$125 million.

**SB 5763: AMENDING THE EXISTING NONRESIDENT RETAIL SALES TAX EXEMPTION**

*Prime Sponsor: Senator Ranker*

*(HB 1936 Representative Lytton)*

*\*Signed by the Governor*

- Residents of any state, possession, territory or province of Canada may not take the nonresident sales tax exemption if their place of residence imposes sales tax, use tax, value-added tax, gross receipts tax or similar generally applicable tax of 3 percent or more.
- This is an expansion of the requirement to qualify for the exemption as currently it is limited to only sales and use taxes of less than 3 percent in order to take the exemption.

**2ESB 5773: MAKING A HEALTH SAVINGS ACCOUNT OPTION AND HIGH DEDUCTIBLE HEALTH PLAN OPTION AND A DIRECT PATIENT-PROVIDER PRIMARY CARE PRACTICE OPTION AVAILABLE TO PUBLIC EMPLOYEES**

*Prime Sponsor: Senator Zarelli*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Requires the Health Care Authority (HCA) to offer a high-deductible health plan with a health savings account as an option alongside its traditional comprehensive medical insurance offerings for public employees by 2012.
- Also requires the HCA to develop a plan to incorporate direct patient-provider primary care practices as a part of benefits provided to employees by 2013.

**ESSB 5834: PERMITTING COUNTIES TO DIRECT AN EXISTING PORTION OF LOCAL LODGING TAXES TO PROGRAMS FOR ARTS, CULTURE, HERITAGE, TOURISM, AND HOUSING**

*Prime Sponsor: Senator Murray*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- The 40 percent distribution of King County's hotel-motel tax to arts and heritage programs is no longer distributed to the endowment fund, and the endowment fund principle may be used.
- At the time the bonds used to pay for the repairs to the Kingdome are retired, the county hotel-motel tax will be distributed into the account dedicated to the arts, culture, and heritage programs until December 31, 2015.
- Beginning January 1, 2021, at least 37.5 percent of the county hotel-motel tax revenues will be distributed to the account dedicated to art museums, cultural museums, heritage museums, the arts, and performing arts.
- Beginning January 1, 2021, at least 37.5 percent of the county hotel-motel tax revenues will be distributed for affordable workforce housing and services for homeless youth.
- Yakima County can continue to receive hotel/motel tax distributions from within the city of Yakima until 2035. The requirement that Yakima County must do a financial audit of organizations that receive funding from the lodging tax is removed.

**SB 5849: CONCERNING ESTATES AND TRUSTS**

*Prime Sponsor: Senator Prentice*

*\*Signed by the Governor*

- For estates of decedents dying after December 31, 2009, and before December 18, 2010, the bill allows for the introduction of extrinsic evidence in order to determine what was the testator's or grantor's intent regarding a formula clause based on the federal Estate Tax or generation-skipping transfer tax exemptions, even if the will is not ambiguous.
- Removes the presumption created by SSB 6831, passed by the Legislature in 2010, that a formula clause amount is \$3.5 million. It also allows for construction of the formula as meaning \$3.5 million or \$5 million based on the decedent's intent.
- Changes the time limit for bringing a judicial construction action under RCW 11.108.080 to two years following the decedent's death, as opposed to one year.

**ESSB 5860: ADDRESSING TEMPORARY COMPENSATION REDUCTIONS FOR STATE GOVERNMENT EMPLOYEES DURING THE 2011-2013 FISCAL BIENNIUM**

*Prime Sponsor: Senator Murray*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Temporarily reduces most state employees' salaries by 3 percent from July 1, 2011, through June 29, 2013.
- Provides 5.2 hours per month of Temporary Salary Reduction Leave for affected employees for the duration of the temporary salary reduction.
- Prohibits performance-based awards and incentives for the duration of the 2011-13 fiscal biennium.
- Prohibits salary increases for state employees during the 2011-13 fiscal biennium, except for positions for which an agency has a demonstrated recruitment and retention problem.

**ESSB 5891: ADDRESSING CRIMINAL JUSTICE COST SAVINGS**

*Prime Sponsor: Senator Murray*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Department of Corrections (DOC) supervision is eliminated for offenders convicted of a first-time felony failure to register and who have a low or moderate risk profile.
- DOC supervision for offenders with a history of domestic violence is refined. DOC must supervise offenders convicted after August 1, 2011, of two or more domestic violence offenses where domestic violence has been plead and proven.

- The maximum term of supervision for offenders sentenced under a first time offender waiver is reduced from 24 months to 12 months.
- Except for offenders on supervision for a sex offense, "tolling" for offenders on community supervision is eliminated; the length of supervision will run continuously regardless of whether an offender is incarcerated for a violation of the terms of the offender's community supervision.
- DOC may charge a supervision intake fee, not to exceed \$600, rather than a monthly assessment.
- The Indeterminate Sentence Review Board is transferred to the DOC; the data tracking functions of the Sentence Guidelines Commission (SGC) are transferred to the Caseload Forecast Council; the SGC body and the Sex Offender Policy Board continue as independent entities supported by the Office of Financial Management.

## **SSB 5912: EXPANDING FAMILY PLANNING SERVICES TO TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LEVEL**

*Prime Sponsor: Senator Keiser*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Directs the Health Care Authority to seek federal authorization and funding to expand income eligible for the Take Charge family planning program to 250 percent of poverty, from its current level of 200 percent.
- Directs the Office of Financial Management to place \$3.85 million of state appropriations in reserve upon implementation of the expansion, in anticipation of reduced state expenditures for prenatal, delivery, and infant care costs.

## **ESSB 5919: REGARDING EDUCATION FUNDING**

*Prime Sponsor: Senator Murray*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Legislation enacted in 2009 and 2010 revised K-12 basic education funding formulas and established a schedule for phasing in an expanded definition of basic education, along with phased in funding enhancements for particular activities, including pupil transportation. The new funding formula for pupil transportation will go into effect September 1, 2011. Amendments are made to the formula based on analysis that was done during planning for implementation of the new formula.
- Amends the transitional bilingual funding formula so the actual per-student allocation may be scaled for a larger allocation for students needing more intensive intervention and a smaller allocation for those needing less intensive intervention, with the intent of maintaining the overall program funding level.
- Provides that the Office of Superintendent of Public Instruction is responsible for staffing Career & Technical Education student organizations only to the extent that funds are available, and sets the expiration date of the special services pilot program for March 1, 2011, instead of June 30, 2011.
- Clarifies that required increases to the number of instructional hours and the minimum number of credits for high school graduation will be increased no sooner than the 2014-15 school year.
- ~~The requirement that students pass the statewide assessment in science to graduate from high school is changed from beginning with the graduating class of 2013 to beginning with the graduating class of 2015.~~  
(PV)

## **ESSB 5921: REVISING SOCIAL SERVICES PROGRAMS**

*Prime Sponsor: Senator Regala*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Temporarily suspends WorkFirst activity requirements for certain Temporary Assistance for Needy Families (TANF).
- Establishes a legislative executive WorkFirst oversight task force to oversee a variety of activities, including the WorkFirst redesign, developing outcome, and accountability measures.
- Implements a 60-month time limit for families where a TANF benefit is provided on behalf of their child, subject to hardship extensions.

- Directs the Department of Social and Health Services (DSHS) to adopt rules establishing income eligibility for TANF benefits for a child, other than a foster child, who lives with a caregiver other than his or her parent, effective November 2011.
- Allows the DSHS to permanently disqualify families who have been terminated due to noncompliance three or more times.
- Prohibits the use of electronic benefits cards for certain products and activities including cigarettes, liquor, tattoos, and adult entertainment.
- Directs businesses to disable the ability of an ATM or point-of-sale machine to accept electronic benefits cards at certain establishments and directs the suspension of licenses for businesses that do not comply with these provisions.
- Establishes an Office of Fraud and Accountability (OFA) within the DSHS and specifies the responsibilities of the OFA.
- ~~Directs the State Auditor to appoint a fraud ombudsman to audit the work of the OFA within the DSHS and requires a report be submitted to the Legislature. (PV)~~

**ESSB 5927: LIMITING PAYMENTS FOR HEALTH CARE SERVICES PROVIDED TO LOW-INCOME ENROLLEES IN STATE PURCHASED HEALTH CARE PROGRAMS**

*Prime Sponsor: Senator Keiser*

*(HB 2057 Representative Cody)*

*\*Passed during 1st Special Legislative Session*

*\*Signed by the Governor*

- Defines a nonparticipating provider as a health care professional, organization, facility, or entity that has not contracted with a state-funded managed care plan to provide medical care to low-income persons covered by the state Basic Health Plan, Medicaid, Children's Health Insurance, or Medical Care Services programs.
- Provides that state-contracted managed care plans must contract with a sufficient number of providers to assure access for plan enrollees to all covered medical services, including hospital-based physician care.
- Requires that when a nonparticipating provider cares for an enrollee covered by a state-contracted managed care plan, the plan must pay the provider no more than the lowest rate it pays participating providers for the same service. Nonparticipating providers may not balance bill the enrollee.
- Requires the Health Care Authority to report annually to the Legislature on the percentage of managed care plan encounters delivered by participating and by nonparticipating providers, by plan and county.

**ESSB 5931: REORGANIZING AND STREAMLINING CENTRAL SERVICE FUNCTIONS, POWERS, AND DUTIES OF STATE GOVERNMENT**

*Prime Sponsor: Senator Baumgartner*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Central service agencies including General Administration, the Public Printer, Department of Personnel and Department of Information Services, as well as parts of the Office of Financial Management, are reorganized into the Department of Enterprise Services (DES). The majority of the Department of Information Services is moved into the newly created Consolidated Technology Services Agency (CTS). Some employee classifications within the CTS become exempt positions or may be made exempt.
- The Office of Financial Management (OFM) and DES will examine up to six of DES's activities a biennium for possible contracting to the private sector. CTS may contract for activities and services related to the data center or other activities as recommended by the Chief Information Officer and approved by the Technology Services Board.
- The Office of the Chief Information Officer is created within OFM and provides information technology oversight and policy direction with advise from the Technology Services Board, which is created in the bill.
- Additional provisions in the bill ~~move the Education and Data Center from OFM to the Legislative Evaluation and Accountability Program (LEAP)~~, remove the requirement for state agencies to use the state printer, and require the State Auditor to audit ~~the state data center and~~ printing services. (PV)

**SB 5941: CONCERNING JUDICIAL BRANCH FUNDING**

*Prime Sponsor: Senator Eide*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Surcharges placed on filing fees in superior and district courts are extended through July 1, 2013.
- Revenue from these surcharges are split between the state and local courts. The state receives 75 percent of the revenues generated and the local courts retain 25 percent.

**ESSB 5942: CONCERNING THE WAREHOUSING AND DISTRIBUTION OF LIQUOR, INCLUDING THE LEASE AND MODERNIZATION OF THE STATE'S LIQUOR WAREHOUSING AND DISTRIBUTION FACILITIES**

*Prime Sponsor: Senator Hewitt*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- The Office of Financial Management (OFM) will conduct a procurement process for the state's liquor warehousing and distribution system to private sector entities.
- OFM will select an entity that provides a proposal that will be in the best interest of the state, which is defined in the bill, after receiving input from the Liquor Advisory Committee (made up of the State Treasurer and the four major caucuses of the Legislature), the Liquor Control Board, the fiscal committees of the Legislature, and the public.
- If no proposal is deemed to meet the best interest of the state, a proposal does not have to be chosen.

**ESB 5974: INCLUDING EXAMINATIONS BY A NATIONAL MULTIDISCIPLINARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAM ON THE MASTER LIST OF POSTSECONDARY COURSES FULFILLED BY PROFICIENCY EXAMINATIONS**

*Prime Sponsor: Senator Tom*

*(HB 2158 Representative Springer)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- Includes examinations by a national multidisciplinary science, technology, engineering, and mathematics program as a recognized college level proficiency examination that can be used to fulfill postsecondary credits.
- Institutions of higher education will include on their master list those postsecondary courses that can be satisfied by successful completion of these examinations.

**SSJM 8009: REQUESTING RESPECTFULLY THE ADOPTION OF FEDERAL LEGISLATION GRANTING STATES REMOTE COLLECTION AUTHORITY FOR REMOTE SALES**

*Prime Sponsor: Senator Regala*

*\*Passed during the 2nd Special Legislative Session*

- The Main Street Fairness Act, the Market Place Fairness Act, and the Market Place Equity Act are each federal legislation that would allow states to require remote sellers to collect sales and use taxes from consumers.
- The memorial asks Washington's congressional delegation to join as cosponsors of these bills and to support their passage.
- It also asks congress to pass one of the bills and asks President Obama to sign the bills.

**SJR 8206: REQUIRING EXTRAORDINARY REVENUE GROWTH TO BE TRANSFERRED TO THE BUDGET STABILIZATION ACCOUNT**

*Prime Sponsor: Senator Zarelli*

*\*Passed during the 1st Special Legislative Session*

- At the end of each fiscal biennium, three-fourths of any extraordinary growth in state revenue is transferred to the Budget Stabilization Account. Extraordinary revenue growth

is defined as the amount by which the growth in general state revenues exceeds by one-third the average biennial growth in general state revenues over the prior five biennia.

## **ESHB 1086: MAKING 2009-2011 SUPPLEMENTAL OPERATING APPROPRIATIONS**

*Prime Sponsor: Representative Hunter*

*(SB 5095 Senator Murray)*

*\*Signed by the Governor/partial veto*

- Appropriations are modified for the 2009-11 biennium. State Near General Fund appropriations are reduced by \$254 million.
- The Governor vetoed 5 sections or subsections regarding (1) State data Center expenditures, (2) salary reductions for nonrepresented employees, (3) reductions in agency communications staff, (4) management efficiencies in the Department of Social & Health Services, and (5) salary restrictions on state employees with dual-language skills. (PV)

## **2ESHB 1087: MAKING 2009-2011 AND 2011-2013 FISCAL BIENNIA OPERATING APPROPRIATIONS**

*Prime Sponsor: Representative Hunter*

*(SB 5094 Senator Murray)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Making 2009-2011 and 2011-2013 fiscal biennia operating appropriations.
- Additional details may be found at [www.leg.wa.gov/Senate/Committees/WM/](http://www.leg.wa.gov/Senate/Committees/WM/)
- The Governor vetoed 61 items in the appropriations act. (PV)

## **HB 1131: REGARDING STUDENT ACHIEVEMENT FUND ALLOCATIONS**

*Prime Sponsor: Representative Haigh*

*(SB 5471 Senator Murray)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Initiative 728 (I-728) was approved by the voters in November 2000 for K-12 class-size reduction, teacher professional development, student remediation, and other purposes. The statute specifies a per-student FTE allocation of state funds to be distributed to school districts.
- The bill provides that per-student allocations for the next two school years (2011-12 and 2012-13) will be specified in the Omnibus Appropriations Act.
- Separately, the appropriations act suspends the distributions, resulting in budget reductions of \$860 million in 2011-13.

## **2SHB 1132: REGARDING REDUCING COMPENSATION FOR EDUCATIONAL AND ACADEMIC EMPLOYEES**

*Prime Sponsor: Representative Haigh*

*(SB 5470 Senator Murray)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Suspends Initiative 732 (I-732) cost-of-living adjustments (COLAs) for K-12 employees and eligible higher education employees for the next two years.
- Provides that K-12 teachers' National Board base bonus amounts are subject to appropriations in the omnibus budget bill for the next two school years. Currently K-12 teachers are able to earn a \$5,090 per year bonus for earning certification through the National Board for Professional Teaching Standards. In addition to the base bonus, teachers can earn an additional \$5,000 for teaching in a "challenging" school (at least 70 percent of the students qualify for free and reduced-price lunch).
- Both the I-732 COLA and the National Board base bonus statutes, currently contain clauses requiring inflationary increases that were suspended in the 2009-11 biennium, will be made up in fiscal years 2012 through 2015. The bill further eliminates those "catch-up" clauses.
- The 2011-13 budget reduction related to the suspension of I-732 totals \$295 million — \$266 million in K-12 public schools and \$29 million in higher education.
- The budget savings for National Board bonus changes total \$61 million. All eligible National Board certified teachers will receive the \$5,090 base and \$5,000 challenging schools' bonus. The savings are a result of

moving all payments to the end of each school year and pro-rating first-time recipients' payments. First-time recipients' first-year payments will be made at 60 percent of the total, reflecting the time of year that certificates are awarded.

## **2ESHB 1224: CONCERNING A BUSINESS AND OCCUPATION TAX DEDUCTION FOR AMOUNTS RECEIVED WITH RESPECT TO MENTAL HEALTH SERVICES**

*Prime Sponsor: Representative Green*

*(SB 5382 Senator Regala)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Allows nonprofit mental health service providers a deduction from B&O tax for amounts they receive from a Regional Support Network (RSN) for services provided under a government funded health program.
- Provides a deduction to RSNs for amounts received from a government for distribution to a nonprofit health or social welfare organization for mental health services.

## **HB 1239: ALLOWING THE DEPARTMENT OF REVENUE TO ISSUE A NOTICE OF LIEN TO SECURE PAYMENT OF DELINQUENT EXCISE TAXES IN LIEU OF A WARRANT**

*Prime Sponsor: Representative Orcutt*

*\*Signed by the Governor*

- In lieu of filing a tax warrant with a superior court that encumbers all real and personal property, the Department of Revenue may file a notice of lien for any specific real property in which the taxpayer has an ownership interest if the total amount of the warrant exceeds \$25,000 and the Department determines that issuing the notice of lien would best protect the state's interest in collecting the amount due on the warrant.

## **SHB 1247: CONCERNING THE STAFFING LEVELS AND STAFF TRAINING REQUIREMENTS FOR SECURE COMMUNITY TRANSITION FACILITIES**

*Prime Sponsor: Representative Kagi*

*\*Signed by the Governor*

- Modifies the staffing ratios at Secure Community Transition Facilities (SCTF). SCTFs are step down treatment facilities for residents of the Special Commitment Center for sexually violent predators. The staffing ratios at SCTFs are modified as follows:
  - For the McNeil Island SCTF, a minimum of three staff is required; at present the ratio of staff to residents is one to three during awake hours and one to four during sleep hours.
  - For the Seattle SCTF, a minimum of two staff is required; at present the ratio of staff to residents is one to one during awake hours and one to two during asleep hours.

## **EHB 1248: AUTHORIZING EMERGENCY RULE MAKING WHEN NECESSARY TO IMPLEMENT FISCAL REDUCTIONS**

*Prime Sponsor: Representative Hunter*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Authorizes emergency rule making by state agencies when necessary to implement fiscal reductions during the 2011-2013 fiscal biennium.

## **HB 1263: ADDRESSING THE DEFINITION OF EMPLOYER FOR CERTAIN PUBLIC CORRECTIONS ENTITIES FORMED BY COUNTIES OR CITIES UNDER RCW 39.34.030**

*Prime Sponsor: Representative Crouse*

*(SB 5161 Senator Fain)*

*\*Signed by the Governor*

- Adds public corrections entities formed by an intergovernmental agreement between counties, cities, or both to the list of Public Safety Employees' Retirement System (PSERS) employers.

- Allows corrections officers' employment by such an intergovernmental entity to continue membership in PSERS.

**ESHB 1277: CONCERNING OVERSIGHT OF LICENSED OR CERTIFIED LONG-TERM CARE SETTINGS FOR VULNERABLE ADULTS**

*Prime Sponsor: Representative Cody*

*(2SSB 5092 Senator Keiser)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- DSHS is given more discretion determining licensure for adult family homes.
- State inspections of adult family homes are increased.
- Beginning July 1, 2011, the per bed license fee for nursing homes, boarding homes, and adult family homes must be established in the Omnibus Appropriations Act.
- Increased sanctions are authorized for serious adult family home licensing violations.

**HB 1290: CONCERNING MANDATORY OVERTIME FOR CERTAIN HEALTH CARE EMPLOYEES**

*Prime Sponsor: Representative Green*

*\*Signed by the Governor*

- Prohibits state or local correctional institutions from requiring overtime for certain registered and licensed practical nurses.
- The bill is contingent upon funding in the 2011-13 omnibus appropriations act.

**SHB 1312: REGARDING STATUTORY CHANGES NEEDED TO IMPLEMENT A WAIVER TO RECEIVE FEDERAL ASSISTANCE FOR CERTAIN STATE PURCHASED PUBLIC HEALTH CARE PROGRAMS**

*Prime Sponsor: Representative Cody*

*(SSB 5148 Senator Keiser)*

*\*Signed by the Governor*

- Aligns statutory eligibility requirements for the Basic Health Plan (BHP) and the medical care components of the Disability Lifeline (DL) and the Alcohol and Drug Abuse Treatment Support Acts (ADATSA) with the terms and conditions of a federal Medicaid demonstration waiver that is expected to avoid approximately \$250 million of state costs during the 2011-13 biennium.
- Provides that applicants BHP must be screened for eligibility in other Medicaid programs and enrolled if eligible.
- Provides that the medical care component of the DL program is not subject to the time limits on program participation enacted in 2010.
- Authorizes the Department of Social and Health Services to freeze admissions to and establish a waiting list for enrollment in the DL and ADATSA medical programs.

**ESHB 1346: MAKING TAX LAW CHANGES THAT DO NOT CREATE ANY NEW OR BROADEN ANY EXISTING TAX PREFERENCES AS DEFINED IN RCW 43.136.021 OR INCREASE ANY PERSON'S TAX BURDEN**

*Prime Sponsor: Representative Hunter*

*(SSB 5838 Senator Hargrove)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Makes several adjustments to the tax code, including the following: clarifications to the trailing nexus statutes; removal of two redundant annual tax incentive accountability report and survey statutes; clarification that a seller has no obligation to collect use tax if federal law prohibits collection; and reduction of the scope of the January 2012 tax exemption study to include only those tax exemptions which are likely to increase state revenue if the exemption is repealed.

**HB 1347: CONCERNING SALES AND USE TAX EXEMPTIONS FOR CERTAIN PROPERTY AND SERVICES USED IN MANUFACTURING, RESEARCH AND DEVELOPMENT, OR TESTING OPERATIONS, NOT INCLUDING CHANGES TO RCW 82.08.02565 AND 82.12.02565 THAT REDUCE STATE REVENUE**

*Prime Sponsor: Representative Hunter*

*(SB 5544 Senator Fraser)*

*\*Signed by the Governor*

- The sales and use tax exemption for machinery and equipment is expressly limited to businesses that are taxed under the manufacturing category.
- A sales and use tax exemption is allowed for machinery and equipment used for research and development operations at public research institutions (the University of Washington, Washington State University, Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College).

**ESHB 1354: CHANGING THE APPORTIONMENT SCHEDULE TO EDUCATIONAL SERVICE DISTRICTS AND SCHOOL DISTRICTS FOR THE 2010-11 SCHOOL YEAR**

*Prime Sponsor: Representative Hunt*

*(SB 5472 Senator Murray)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- The June payment to K-12 school districts is reduced by \$128 million and an equivalent amount is paid on the first business day of July.
- The one-time, one-day delay reduces expenditures for the 2011 state fiscal year and increases expenditures by the same amount for the 2012 state fiscal year.

**EHB 1357: PROVIDING THE DEPARTMENT OF REVENUE WITH ADDITIONAL FLEXIBILITY TO ACHIEVE OPERATIONAL EFFICIENCIES THROUGH THE EXPANDED USE OF ELECTRONIC MEANS TO REMIT AND REPORT TAXES**

*Prime Sponsor: Representative Carlyle*

*(SB 5288 Senator McAuliffe)*

*\*Signed by the Governor*

- The Department of Revenue will achieve \$906,000 in administrative savings in 2011-13 and thereafter by reducing the processing of returns by requiring electronic filing and payment of taxes of taxpayers filing on a quarterly basis.
- The existing 10 percent penalty for disregarding specific written instructions applies to taxpayers who must e-file but fail to comply with written instructions to do so.
- E-filing may be waived for taxpayers who make a request and show good cause such as lack of equipment or Internet access.

**E2SHB 1371: ADDRESSING BOARDS AND COMMISSIONS**

*Prime Sponsor: Representative Darneille*

*(SB 5469 Senator Pridemore)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Modifies, eliminates, and consolidates state boards and commissions.

**ESHB 1449: ESTABLISHING A PROCESSING FEE FOR EDUCATOR CERTIFICATES**

*Prime Sponsor: Representative Hunter*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Moves the processing of initial K-12 teacher certificates and other certification-related activities to an online system and authorizes charging a fee to support. The fee amount must be set at a level sufficient to defray the costs of administering the educator certification program, which is estimated to be \$33.

- Creates a new non-appropriated but budgeted account, the Educator Certification Processing Account.

**ESHB 1497: REGARDING THE CAPITAL BUDGET**

*Prime Sponsor: Representative Dunshee*

*(SB 5467 Senator Kilmer)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Appropriates capital cash accounts for various capital projects.
- The Governor vetoed three sections and two transfers affecting the state and local toxics control accounts. (PV)

**HB 1544: RESTRICTING THE ELIGIBILITY FOR THE BASIC HEALTH PLAN TO THE BASIC HEALTH TRANSITION ELIGIBLES POPULATION UNDER THE MEDICAID WAIVER**

*Prime Sponsor: Representative Hunter*

*\*Signed by the Governor*

- Limits eligibility for the state-subsidized Basic Health Plan (BHP) to only those persons who qualify for coverage under the state's Medicaid demonstration project recently approved by the federal government.
- The group eligible for coverage under the waiver and the subsidized BHP consists of adults age 19-64 who are legal residents in the United States and who have family incomes below 133 percent of the federal poverty level, after exempting one-half of their earned income.
- Declares legislative intent to address future BHP eligibility requirements prior to expiration of the demonstration waiver in December 2013.

**ESHB 1548: CONCERNING THE IMPLEMENTATION OF LONG-TERM CARE WORKER REQUIREMENTS REGARDING BACKGROUND CHECKS AND TRAINING**

*Prime Sponsor: Representative Hunter*

*(SB 5473 Senator Murray)*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Training and certification requirements of long-term care workers created in Initiative 1029 (I-1029) are delayed until the 2013-2015 biennium.
- Specific health professionals with current credentials are exempt from the continuing education requirements of I-1029.

**HB 1625: ADDRESSING THE DEFAULT INVESTMENT OPTION AVAILABLE TO NEW MEMBERS OF THE PLAN 3 RETIREMENT SYSTEMS**

*Prime Sponsor: Representative Hunter*

*(SB 5494 Senator Brown)*

*\*Signed by the Governor*

- Changes the default investment option for a new member of Plan 3 of the Public Employees' Retirement System, the Teachers' Retirement System, or the School Employees' Retirement System (PERS 3, TRS 3, or SERS 3) from shares in the Pension Fund invested by the State Investment Board to the Retirement Strategy Fund with the retirement target date closest to the expected retirement date of the member.

**EHB 1703: ADDRESSING FISCAL NOTES FOR LEGISLATION THAT UNIQUELY AFFECTS SCHOOL DISTRICTS**

*Prime Sponsor: Representative Dammeier*

*\*Signed by the Governor*

- Directs the Office of the Superintendent of Public Instruction to prepare school district fiscal notes for legislation that uniquely affects school districts when it is practicable to do so within available resources.
- Where practicable, the school district fiscal note must show the fiscal impact of the proposed legislation on each school district.
- Where it is not practicable to show the impact on each school district, the school district fiscal note must show the fiscal impact of the legislation on a range of representative school districts.

## **ESHB 1790: ADDRESSING SCHOOL DISTRICT CONTRACTS WITH DIRECT PRACTICE HEALTH PROVIDERS**

*Prime Sponsor: Representative Dammeier*

*\*Signed by the Governor*

- Permits school districts to make direct agreements available to employees within the optional benefits determined through collective bargaining agreements along with medical, dental, vision, life, and long-term disability insurance coverage.
- Under a direct agreement, a direct patient-provider primary care practice provides primary care services to a patient for a monthly fee.

## **E2SHB 1795: ENACTING THE HIGHER EDUCATION OPPORTUNITY ACT**

*Prime Sponsor: Representative Carlyle*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Public four-year institutions are granted flexible tuition setting authority beginning in the 2011-12 academic year through the 2018-19 academic year. The Legislature will retain tuition setting authority for resident undergraduate students at community and technical colleges; although, the State Board for Community and Technical Colleges may pilot or institute differential rates.
- Public four-year institutions are required to increase the retention of operating fees for their institutional aid fund from 3.5 percent to 4 percent if they do not increase tuition beyond the levels assumed in the budget and to 5 percent if they do increase tuition beyond the levels assumed in the budget. The community and technical colleges are required to establish an institutional aid fund and must retain 3.5 percent of operating fees for this purpose. A minimum of 30 percent of the institutional aid must be used for need-based financial aid.
- Public four-year institutions that increase tuition beyond levels assumed in the budget are required to mitigate a portion of the tuition increases for low and middle-income students based on a formula that is tied to the price of tuition and the student's family income.
- Public four-year institutions are required to negotiate a performance plan with the Office of Financial Management that includes expected outcomes on a number of metrics including time and credit to degree and degree production in high-demand fields.
- A number of performance and accountability reporting requirements are established, including Complete to Compete metrics, higher education administration and management efficiencies, a Joint Legislative Audit and Review Committee performance audit regarding the impact of tuition setting authority, and a task force to review the baccalaureate funding formula.
- Running Start students are authorized to charge non-needy students 10 percent of tuition.
- The transferability and recognition of an Associate of Arts or Sciences degree is specified.
- Separate workgroups, reports, or requirements are established for awarding the State Need Grant based on need, rather than on first-come, first-served; the sources and methods of financial aid used to mitigate tuition increases; recognizing and awarding credits for prior learning; and common course numbering.
- ~~Regulatory relief is provided for the institutions of higher education, including increasing the threshold required for competitive bids; lengthening contracts for equipment maintenance; and removing temporary restrictions including restrictions on out of state travel and hiring new or vacant positions. (PV)~~

## **ESHB 1826: PROVIDING TAXPAYERS ADDITIONAL APPEAL PROTECTIONS FOR VALUE CHANGES**

*Prime Sponsor: Representative Orcutt*

*\*Signed by the Governor*

- A county board of equalization must waive the property tax valuation appeal deadline if a request is made within a reasonable time after the normal filing deadline under the following circumstances: the taxpayer's property was in the revaluation area; the taxpayer was not sent a property value change notice; and the property value did not change from the previous year.

**ESHB 1902: CONCERNING A BUSINESS AND OCCUPATION TAX DEDUCTION FOR AMOUNTS RECEIVED WITH RESPECT TO CHILD WELFARE SERVICES**

*Prime Sponsor: Representative Kagi*

*(SSB 5838 Senator Hargrove)*

*\*Signed by the Governor*

- A deduction from the business and occupation tax is allowed for nonprofit health or social welfare organizations for amounts received as compensation for providing child welfare services provided under a government funded program.
- A deduction is also authorized for amounts passed through a for-profit or nonprofit entity to a health or social welfare organization for the provision of government funded child welfare services.

**E2SHB 1965: CONCERNING ADVERSE CHILDHOOD EXPERIENCES**

*Prime Sponsor: Representative Kagi*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Eliminates the Family Policy Council effective June 30, 2012.
- Eliminates the Council for Children and Families effective June 30, 2012.
- Requires the Secretary of the Department of Social and Health Services and the Director of the Department of Early Learning to participate in the development of a nongovernmental public-private initiative to prevent and reduce adverse childhood experiences.

**ESHB 1981: ADDRESSING PUBLIC EMPLOYEE POSTRETIREMENT EMPLOYMENT AND HIGHER EDUCATION EMPLOYEES' ANNUITIES AND RETIREMENT INCOME PLANS**

*Prime Sponsor: Representative Bailey*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Limits Public Employees' Retirement System (PERS) and Teachers' Retirement System (TRS) Plan 1 retirees to receiving benefits while employed in retirement system-covered positions for a maximum of 867 hours per year, rather than up to 1500 hours per year.
- Adds positions covered by the Higher Education Retirement Plans (HERP) to those included in the postretirement employment restrictions for retirees in PERS, TRS, the School Employees' Retirement System (SERS), and the Public Safety Employees' Retirement System (PSERS).
- Eliminates the HERP Supplemental Benefit for employees that enter the plan July 1, 2011, and provides the new employees the option of joining the TRS Plan 3 or PERS Plan 3.
- Requires higher education institutions responsible for payment of HERP Supplemental Benefits to contract with and provide data to the Office of the State Actuary for periodic actuarial review of the HERPs.
- Initiates employer contributions rate for HERP-covered employees beginning January 1, 2012, to a new supplemental benefit fund.
- Limits state funding for the HERPs to 6 percent of salary.

**EHB 2003: CONCERNING PREMIUM PAYMENTS FOR CHILDREN'S HEALTH COVERAGE FOR CERTAIN FAMILIES WHO ARE NOT ELIGIBLE FOR FEDERAL CHILDREN'S HEALTH INSURANCE COVERAGE**

*Prime Sponsor: Representative Pettigrew*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Reduces income eligibility for state-subsidized health coverage from 300 percent of the federal poverty level to 200 percent for children who because of their immigration status are ineligible for federally-funded coverage.
- Allows the families of such children to purchase coverage under the state's Apple Health for Kids program by paying a premium equal to the average state cost per child in the program.

## **SHB 2017: CONCERNING THE MASTER LICENSE SERVICE PROGRAM**

*Prime Sponsor: Representative Hunter.*

*(SSB 5911 Senator Murray)*

*\*Signed by the Governor*

- All powers, duties, and functions of the Master License Service Program (MLS) are transferred from the Department of Licensing to the Department of Revenue (DOR) by July 1, 2011.
- DOR is authorized to raise fees from \$15 to \$19 for new applications and from \$9 to \$11 for renewal applications. These fees are to be used for improvements in technology, customer service, expanded program access, and infrastructure.

## **HB 2019: CONCERNING THE DEPOSIT OF THE ADDITIONAL CIGARETTE TAX**

*Prime Sponsor: Representative Dunshee*

*(SB 5581 Senator Kilmer)*

*\*Signed by the Governor*

- The cigarette tax that is currently deposited into the education legacy trust account is deposited into the general fund effective July 1, 2010. This will expand bond capacity to help support the capital budget.

## **ESHB 2020: FUNDING CAPITAL PROJECTS**

*Prime Sponsor: Representative Dunshee*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Authorizes \$1.1 billion in new bonds.
- Appropriates those bonds for various capital projects.

## **SHB 2021: LIMITING THE ANNUAL INCREASE AMOUNTS IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 AND THE TEACHERS' RETIREMENT SYSTEM PLAN 1**

*Prime Sponsor: Representative Pettigrew,*

*(SB 5920 Senator Murray)*

*\*Signed by the Governor*

- Eliminates future retirement allowance increases for the Public Employees' and Teachers' Retirement Systems Plan 1 (PERS 1 and TRS 1) through the Uniform Cost-of-Living Adjustment 2010 Benefit, except for retirees who qualify for the basic minimum benefit.
- Increases the alternative minimum benefit in PERS 1 and TRS 1 for members who either have been retired for at least 25 years and have at least 20 years of services or have been retired for at least 20 years and have at least 25 years of service by about \$300 per month to \$1,500 per month, increasing by 3 percent per year thereafter.

## **SHB 2058: MAKING 2011-2013 SUPPLEMENTAL OPERATING APPROPRIATIONS**

*Prime Sponsor: Representative Hunter*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor/partial veto*

- Reduces state General Fund appropriations by \$323 million.
- Makes \$106 million in various fund transfers to the state General Fund.
- Combined with the \$51 million in additional projected revenue from SHB 2169 (unclaimed property), makes \$480 million in fiscal related actions to partially address the 2012 shortfall.

## **ESHB 2065: REGARDING THE ALLOCATION OF FUNDING FOR STUDENTS ENROLLED IN ALTERNATIVE LEARNING EXPERIENCES**

*Prime Sponsor: Representative Hunt*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Reduces state funding for K-12 Alternative Learning Experience (ALE) programs in the next two school years by an estimated 15 percent overall, with reductions ranging from 10 to 15 percent depending on the program's features, including type and amount of contact with students; teacher/student ratios; whether the online

program has received approval; type of ALE program; and whether the program uses a classroom-based instruction.

- Defines K-12 ALE programs, including the major categories — digital or online, contract-based, and parent partnerships.
- Restricts reimbursements in the form of stipends to parents or guardians, as well as bonuses for school district employees. Reporting requirements regarding use of funds are added.
- Requires all online ALE programs to be approved by the Office of Superintendent of Public Instruction, beginning in the 2013-14 school year.
- ALE programs are exempt from the mandatory minimum teacher-to-student staffing ratios that apply to regular classroom instruction.

### **EHB 2069: CONCERNING HOSPITAL PAYMENTS**

*Prime Sponsor: Representative Cody.*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Reduces Medicaid inpatient payment rates to non-governmental, non-rural hospitals by 8 percent.
- Reduces Medicaid outpatient payment rates to non-governmental, non-rural hospitals by 7 percent.
- Authorizes use of \$199.5 million of the Hospital Safety Net Assessment Fund for Medicaid hospital payments that would otherwise be payable from the state general fund.

### **HB 2070: DETERMINING AVERAGE SALARY FOR THE PENSION PURPOSES OF STATE AND LOCAL GOVERNMENT EMPLOYEES AS CERTIFIED BY THEIR EMPLOYER**

*Prime Sponsor: Representative Seaquist*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Provides that pensions from specified Washington retirement systems based on salaries earned during the 2011-13 biennium will not be reduced by compensation forgone by a member due to reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the measures are an integral part of a state or local government employer's expenditure reduction efforts.
- Applies to the Law Enforcement Officers' and Fire Fighters' Retirement System, the School Employees' Retirement System, the Washington State Patrol Retirement System, the Teachers' Retirement System, the Public Safety Employees' Retirement System, and the Public Employees' Retirement System.

### **ESHB 2082: CONCERNING CERTAIN ASSISTANCE PROGRAMS AND THE ESSENTIAL NEEDS AND HOUSING SUPPORT PROGRAM**

*Prime Sponsor: Representative Darneille*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Completely eliminates the Disability Lifeline assistance program and deletes all references to that program in the statute.
- Creates instead three assistance programs: Aged, Blind or Disabled assistance program (ABD); Pregnant Women Assistance Program (PWAP); and the Essential Needs and Housing Support (ENHS) program. The ABD and PWAP recipients receive cash assistance; persons referred to the ENHS program receive a referral for essential needs and housing support but not cash assistance. The ENHS program eliminates assistance in the form of a cash grants effective November 1, 2011.
- To be considered disabled, a person must be likely to meet the federal supplemental security income disability standard.
- The eligibility requirements for ABD (formerly DL-X) and Pregnant Women Assistance programs are not changed.
- Effective November 1, 2011, any person found eligible for medical care services who is not already a recipient of Alcoholism and Drug Addiction Treatment and Support or ABD must be provided with a referral for essential needs and housing support.

- Requires the Department of Commerce to designate entities to provide services under the ENHS and to distribute appropriated funds based on a proportional formula.

**ESHB 2088: CREATING THE OPPORTUNITY SCHOLARSHIP BOARD TO ASSIST MIDDLE-INCOME STUDENTS AND INVEST IN HIGH EMPLOYER DEMAND PROGRAMS**

*Prime Sponsor: Representative Probst*

*\*Passed during the 1st Special Legislative Session*

*\*Signed by the Governor*

- Establishes the Opportunity Scholarship Program (OSP) and the Opportunity Expansion Program (OEP) to be administered by a private, nonprofit entity. The program administrator will manage two accounts, the Scholarship Account and the Endowment Account, from which scholarships will be awarded.
- OSP, funded with a combination of private donations and state matching funds, is to provide low- and middle-income Washington residents with scholarships to help them earn a baccalaureate degree in a high demand field of study.
- OEP, funded by voluntary contributions of the high technology research and development tax credits, is to provide grants to institutions of higher education on a competitive basis to increase the number of baccalaureate degrees awarded in high demand fields and to invest in programs to meet labor market demands.
- A seven member Opportunity Scholarship Board (OSB) is created to determine the programs that are eligible for the scholarships and to select institutions of higher education to receive expansion awards.
- Scholarships from the Scholarship Account can be awarded as early as December 1, 2011, if \$5 million of state match is provided.
- Scholarships can be awarded from the Endowment Account in years only when (1) the appropriate state match is provided into both the Scholarship and Endowment Accounts; (2) the state appropriations to the State Need Grant (SNG) meet or exceed the level provided in the 2011-13 biennium, adjusted for inflation; (3) eligibility for the SNG is maintained at a minimum of 70 percent of the median family income; and (4) the state has demonstrated progress toward meeting the 60th percentile of per-student funding goals.
- The state match must begin the later of January 1, 2014, or the January 1st that follows the fiscal year where sales and use, business and occupation, and state public utility tax receipts exceed 10 percent of the amount received from these sources in Fiscal Year 2008.
- Annual reporting is required including the status of the OSP and OEP by the OSB and the increase in the number of degrees produced in high demand fields by the Higher Education Coordinating Board. In 2018 an audit must be conducted of the OSP and OEP by the Joint Legislative Audit and Review Committee.

**SHB 2131: DELAYING IMPLEMENTATION OF CERTAIN PROVISIONS RELATED TO EVALUATIONS OF PERSONS UNDER THE INVOLUNTARY TREATMENT ACT**

*Prime Sponsor: Representative Dickerson*

*(SSB 5987 Senator Hargrove)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- Delays implementation until July 2015 of one of the two changes to Involuntary Treatment Act commitment standards that was otherwise due to be effective January 1, 2012.
- Authority for courts and designated mental health professionals (DMHPs) to under certain circumstances commit a person for symptoms and behaviors that standing alone would not constitute grounds for commitment is delayed until July 2015.
- The requirement that DMHPs consider reasonably available information from family members, friends, neighbors, and other credible witnesses in determining whether to initially detain a person is effective January 1, 2012.

**SHB 2169: MODIFYING THE UNIFORM UNCLAIMED PROPERTY ACT**

*Prime Sponsor: Representative Hasegawa*

*(SB 5994 Senator Murray)*

*\*Passed during the 2nd Special Legislative Session*

*\*Signed by the Governor*

- The Department of Revenue (DOR) is authorized to sell all securities received under the unclaimed property program as soon as practicable unless the securities are worthless, cannot be sold, or are not cost-effective to sell.
- Owners making a claim are entitled to the proceeds received from the sale of securities less administrative costs, or the return of the security if the DOR has not yet ordered the sale of the stock.

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