

**Commerce & Labor Committee  
House of Representatives  
State of Washington**

**Final Report for 2007**

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House of Representatives  
State of Washington

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**2007 SESSION REPORT**  
**House Commerce & Labor Committee**

**Summary of Major Legislation**

**BUILDING AND CONSTRUCTION**

**Underground Economy**

As a result of **SB 5926**, a legislative task force on the underground economy in the construction industry will be created. The task force will be making recommendations to establish cohesion and transparency between state agencies to increase the oversight and regulation of the underground economy. The 2007-09 operating budget provides funds for the Legislature (sections 101 and 102 of **SHB 1128**) to contract with the Institute for Public Policy or another entity to provide assistance with the task force and to determine the extent of and projected costs to the state and workers of the underground economy.

**Certification Requirements**

The Committee considered two proposals relating to certification of workers in specific building and construction trades. **SHB 1968** establishes a certification requirement for sprinkler fitters to be administered by the state Director of Fire Protection, and specifies qualifications for certification of journey-level and residential sprinkler fitters. This requirement takes effect January 1, 2009. **SHB 1876**, which died on the Senate Second Reading calendar, would have established a certification requirement for workers in the heating, ventilating, air conditioning, refrigeration, and gas piping trades.

**BUSINESS LICENSING & REGULATION**

**Professional Licensing - General**

A proposal that the Department of Licensing first requested last year, **SHB 1574**, passed this year. This bill makes housekeeping changes to laws regulating several professions as well as the Uniform Regulation of Business and Professions Act (URBPA).

**Security Guards**

Two bills passed that relate to security guards. **SHB 1988** changes the requirements for post-assignment training. Among the changes is a requirement that guards receive four hours of annual refresher training. **SB 6090** revisits an issue that first arose during the 2006 legislative session related to an exemption from licensing requirements for persons performing guest services and crowd management activities. As enacted, the bill defines guest services and crowd management to include a person described as a ticket taker, usher, door attendant, parking attendant, crowd monitor, or event staff who: does not

carry a firearm or other dangerous weapon; does not wear a uniform; and does not have as his or her primary responsibility, the detainment of persons or placement of persons under arrest. The exemption only applies when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours, and post-event departure activities.

## **Other**

**ESSB 5788** came to the Committee as a proposal for licensure of home inspectors. As passed the Legislature, the bill requires the Department of Licensing to conduct a study of home inspector regulation under the sunrise criteria.

The Committee recommended passage of **SHB 2247**, which addressed rates of compensation paid by forest landowners to log haulers. The bill would have directed the Department of Labor and Industries to establish intrastate compensation rates for log haulers when petitioned to do so by either landowners or qualified cooperative associations or labor unions. The bill died in the House Rules Committee.

The Committee also recommended passage of **HB 2106**, which dealt with farm labor contractors. The bill would have modified the requirements for licensing, bonding, contractor duties, nondiscrimination, and transportation safety. The bill died in the House Rules Committee.

Two bills regulating soil scientists were considered. **HB 1318** would have required soil scientists to be licensed. This bill died in Committee. The Committee recommended a different approach, protecting the title of "soil scientist," in **HB 2324**. This bill died in the House Appropriations Committee.

## **CONSUMER PROTECTION**

### **Motor Vehicles**

Two bills were enacted, **HB 2135** and **SSB 5050**, related to the state's Motor Vehicle Warranties Act, commonly called the Lemon Law. **HB 2135** extends the protections of the Lemon Law to out-of-state consumers. **SSB 5050** changes the formula for calculating the reasonable offset that a consumer is required to pay when a vehicle is replaced or repurchased under the Lemon Law so that the first attempt to obtain diagnosis or repair is the cut-off date for determining the mileage component of the formula.

### **Real Estate**

The issue of the disclosure statement that is required from a seller during the purchase of property came before the Committee for a second time this session, and **SSB 5895** was enacted. As enacted, the bill creates a new disclosure statement for sales of unimproved property zoned as residential. The current disclosure statement for improved property is

also modified to require additional disclosures about a variety of items, including whether the property has been used for commercial or industrial purposes, whether there is any soil or ground water contamination, whether there are any transmission poles installed, maintained, or buried on the property, and whether the property has ever been used as a dumping site (legally or illegally).

## EMPLOYMENT

### Health Care

**HB 2094**, also known as the Taxpayer Health Care Fairness Act, would have required large employers with employees enrolled in the Medicaid program or the Basic Health Plan to either: (1) pay assessments to cover the state's costs of providing health benefits to these employees; or (2) enter into agreements to reimburse the state's costs of providing health care coverage to these employees. The Committee recommended passage of the bill, but it died in the House Appropriations Committee.

The 2007-09 operating budget, however, directed several agencies to create a workgroup to make recommendations related to coverage of certain low-wage workers enrolled in state health care plans. Pursuant to Section 209(23) of **SHB 1128**, the report must address multiple approaches, including but not limited to, the proposal in the Taxpayer Health Care Fairness Act. The report must be submitted by November 15, 2007.

### Workplace Freedoms

The Committee acted on a number of bills related to workplace freedoms. Several others were heard by or referred to the Committee.

**SHB 1154** would have prohibited employers from making employment decisions based on an employee or potential employee's use of lawful tobacco products off the premises of the employer during nonworking hours. As passed the Committee, the bill took a different approach and prohibited employers from requiring employees or applicants to: (1) disclose whether they consumed lawful tobacco products at any time; or (2) agree not to consume lawful tobacco products off the premises of the employer during nonworking hours. The bill died in the House Rules Committee.

**HB 1828** would have barred a person from claiming certain aerospace tax incentives if the person encouraged or discouraged unionization by that person's employees. The bill was heard but not acted on by the Committee. Two bills dealing with mandatory meetings regarding religious, political or labor matters were introduced and referred to Committee after the first policy committee cut-off. **HB 2383** would have barred an employer from requiring its employees to attend such a meeting if its primary purpose was to communicate the employer's opinion about religious or political matters.

**HB 2387** was a "title only" bill.

**SHJM 4008** would have petitioned the Congress to enact the Employee Free Choice Act, which would add certain worker protections to the National Labor Relations Act. The bill died in the House Rules Committee.

## **GAMBLING, HORSE RACING, AND LOTTERY**

### **Horse Racing**

In 2004 the Legislature authorized a class I racing association to conduct advance deposit wagering, which allows a person to create an account and place a wager by electronic means. This year the Legislature passed **HB 1291**, a Horse Racing Commission request bill, which removes an October 1, 2007, expiration date and allows advance deposit wagering to continue.

**SB 5389**, also enacted, restores the authority of non-profit race tracks to import one simulcast race of regional or national interest on each live race day.

### **House-Banked Card Rooms**

For several years, the Committee has dealt with the issue of local governments and gambling establishments. This year, the Committee considered **HB 1477** and **ESSB 5558**. These bills would have capped the number of house-banked card room licenses in the state. Existing card rooms would have been able to stay in their present location unless the jurisdiction took action to ban card rooms or the card room was annexed into a jurisdiction that banned card rooms. Local jurisdictions would have been given the option to zone for card rooms by designating at least one-third of their land zoned for restaurants for card rooms. **HB 1477** died in Committee. **ESSB 5558** was amended in several respects and died on the House Second Reading Calendar.

### **Other Gambling Issues**

With the passage of **HB 1599**, the Legislature authorized state employee raffles, an issue the Committee had been dealing with since 2005. The bill allows executive branch employees to conduct and solicit donations for raffles for specified charitable purposes.

**HB 1706**, which also passed the Legislature, removes the expiration date of the state's limited waiver of sovereign immunity in actions brought by tribes under the Indian Gaming Regulatory Act.

The Committee recommended **HB 1345**, which would have created a class 2 civil penalty for minors who gamble. This bill, a Gambling Commission request bill, died in the Senate Rules Committee.

Another gambling bill was **SHB 2320**. This bill would have reduced the specific penalty for internet gambling from a class C felony to a misdemeanor for a person who gambles

in his or her primary residence for recreational purposes. The bill was reported from Committee with an amendment to change the penalty to a gross misdemeanor, but died on the House Second Reading Calendar.

## LEAVE

Since 2001, the Committee has considered various proposals to establish a partial wage replacement benefit for persons on family or medical leave. This year, the Legislature enacted **E2SSB 5659** and created the framework for a family leave insurance program. (The companion measure, **SHB 1658**, died in the House Appropriations Committee.)

Beginning on October 1, 2009, a person on leave from employment for the birth or placement of a child may receive a benefit of \$250 per week for up to five weeks. A person receiving this benefit also has job protection if he or she works for an employer with more than 25 employees and worked for at least 1,250 hours over the previous 12 months.

A joint legislative task force is directed to study options for financing benefits and related administrative costs, program implementation and administration, government efficiencies which improve program administration and reduce program costs, and the impacts, if any, on the unemployment compensation system and options for mitigating such impacts. The task force must submit its findings and recommendations, as well as proposed legislation, to the Legislature by January 1, 2008.

## LIQUOR

The Committee dealt with a variety of liquor issues, including winery and brewery privileges; restaurant, grocery store, and other retail license privileges; the tied-house law; and Sunday sales.

**HB 2240** amends the tied-house law to allow wineries to provide certain personal services on retailer premises that are intended to inform, educate, or enhance customer knowledge or experience. The services may include pouring at restaurants and speciality wine shops. The bill also allows wineries (and breweries) and retailers to provide internet links to each other.

In 2006, following a ruling in one piece of the Costco v. Hoen lawsuit, the Legislature extended the privilege known as "direct ship" to give out-of-state wineries and breweries the privilege in-state manufacturers have enjoyed of shipping directly to retailers. The 2006 legislation placed a 2008 expiration date on the extension of the direct ship privilege. **SB 5011** removes the expiration and allows direct ship to continue indefinitely.

**SSB 5898** also relates to direct shipping. The bill allows a winery to use a common carrier on a limited basis to deliver up to 100 cases of wine it produces per month to a retailer.

In 2006 and again this year, the Committee considered whether to allow grocery store tastings. As passed the Committee, **HB 2076** would have created a pilot project in 30 stores, allowing samples of two ounces or less, up to four ounces per customer. The bill died in the House Rules Committee.

With the passage of **HB 1349**, restaurants with a spirits, beer, and wine license may sell kegs of beer with an endorsement from the Liquor Control Board (Board). Also, grocery stores with a snack bar license and an endorsement from the Board may sell confections with an alcohol content up to 10 percent under **ESHB 1047**.

**SSB 5721** creates a tied-house exception to allow sports/entertainment facilities to enter arrangements with liquor manufacturers, importers, and distributors for brand advertising and promoting events at facilities with a capacity of 5,000 or more. The Board will be reporting back to the Committee on the impacts of the arrangements.

Local government objections to liquor licenses are addressed in **EHB 2113**. As enacted, the bill directs the Board to give substantial weight to objections of local governments to the issuance and renewal of licenses, based on chronic illegal activity.

**E2SSB 5859** makes a number of changes to liquor licenses. Regarding restaurants, the bill lowers the density cap for spirits, beer, and wine restaurant licenses from 1/1450 people to 1/1300 people in the state. Another change affecting restaurants allows those that do catering to store liquor at catered event locations under certain circumstances. Breweries and microbreweries that operate a restaurant on their premises may operate a second restaurant off their premises, a change that required a tied-house exception. The bill also gives breweries the privileges and endorsements of restaurants, which allows catering by breweries. (Microbreweries received this authority in **SSB 5639**.) The list of not-for-profit organizations eligible for a special occasion license is expanded to include local wine industry associations, another tied-house exception. The bill further provides that the time period for a summary suspension of a liquor license may be extended under certain circumstances. Finally, **E2SSB 5859** creates a new hotel liquor license. Currently, hotels hold restaurant licenses and may hold some other licenses. The new license, which goes into effect in 2008, will allow a hotel to have a liquor license without preparing complete meals and to provide some additional types of liquor service.

In 2005 the Legislature created a pilot project for Sunday sales in 20 state liquor stores. Legislation the Committee considered this year, **SB 5902**, would have expanded Sunday sales to at least 29 additional stores. The bill died in the House Appropriations Committee; however, the 2007-09 operating budget (Section 147(2) of **SHB 1128**) provides for an additional 29 Sunday sales stores. The Liquor Control Board will be reporting to the Legislature in 2009 on the impacts on sales as a result of the additional Sunday sales stores.

## **PUBLIC SECTOR COLLECTIVE BARGAINING**

### **Long-Term Care**

The Committee considered two bills relating to collective bargaining rights and adult family homes, **ESHB 2111** and **HB 2354**, and one bill modifying such rights for individual providers, **E2SHB 2284**.

**ESHB 2111**, which was enacted, gives adult family home providers collective bargaining rights under the public employees' collective bargaining law. "Adult family home providers" are persons who are licensed by the Department of Social and Health Services (Department) to operate an adult family home, and who receive payments from the Medicaid and state-funded long-term care programs. Mandatory subjects of bargaining are limited to: (1) economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; (2) health and welfare benefits; (3) professional development and training; (4) labor-management committees; (5) grievance procedures; and (6) other economic matters. Retirement benefits are not subject to collective bargaining. The bill also provides for negotiated rule-making with adult family home licensees under the Administrative Procedure Act. "Adult family home licensees" are persons who are licensed by the Department of Social and Health Services to operate an adult family home, but who do not receive payments from the Medicaid and state-funded long-term care programs.

**HB 2354**, which died in the House Appropriations Committee, would have given adult family home caregivers collective bargaining rights by making them part of the individual provider bargaining unit.

With passage of **E2SHB 2284**, the Legislature addressed the training of and collective bargaining over the training of long-term care workers. The bill requires that a 15-member workgroup evaluate current training requirements, make recommendations relating to basic training and certification, and submit a report by December 1, 2007. The bill also establishes a peer mentoring requirement for new long-term care workers, and increases continuing education requirements for most long-term care workers. Finally, employer contributions to a training partnership are added to the mandatory subjects of collective bargaining between the Governor and the exclusive bargaining representative of individual providers. These contributions are for the costs of certain training and peer mentoring and other training intended to promote career development.

### **Higher Education**

The Legislature extended collective bargaining rights to certain employees of institutions of higher education in **SHB 2361**. Previously, these employees were exempt from civil service, and therefore, were also exempt from collective bargaining under the Personnel System Reform Act. The bill makes most of these employees subject to the Public Employees Collective Bargaining Act. Employees who continue to be exempt from

collective bargaining are: executive employees and their principal assistants, certain managers, confidential employees, and certain employees involved in personnel or labor relations matters or tort actions.

## **UNEMPLOYMENT COMPENSATION**

By changing the formula used to determine unemployment insurance contribution rates for new employers, **SHB 1278** may result in reduced rates for these employers. Instead of being 115 percent of average industry rates, new employer rates are 90 percent, 100 percent, or 115 percent of average industry rates, depending on benefits charged and contributions paid by new employers in a three-year period.

An omnibus bill, **ESSB 5373**, modifies various reporting, penalty, corporate officer, and professional employer organization provisions. For corporate officers, significant changes include adding services performed by corporate officers to covered employment for purposes of unemployment compensation, with certain exceptions, and making corporate officers personally liable for certain contributions owed by corporations that have gone out of business. For professional employer organizations, significant changes include assigning client employers individual contribution rates based on their own experience, and designating professional employer organizations and client employers as co-employers.

With the passage of **SSB 5653**, Washington joined seven other states that offer a self-employment assistance program. Individuals who are unemployed and likely to exhaust regular unemployment benefits may receive such benefits while participating in Commissioner-approved self-employment activities. They are not required to meet job search requirements. The Employment Security Department is required to report on the program's performance by December 1, 2011. The program expires July 1, 2012.

## **WAGE & HOUR**

**HB 1920** was introduced in response to a Washington State Supreme Court decision holding that truckers hauling agricultural products are exempt from overtime requirements. As recommended by the Committee, the bill would have restored the interpretation of the Department of Labor and Industries that the agricultural exemption for truckers, as well as other employees, applies only to persons working for the farmer. The bill died in the House Rules Committee.

The Committee dealt with two bills addressing prevailing wage requirements. **HB 1370**, which passed, clarifies that all public employees, regardless of how they are paid, are excluded from prevailing wage requirements and are therefore not included in wage surveys. **HB 1908** addressed the issue of the "locality" for purposes of determining prevailing wage for off-site items. The bill would have made changes in two respects: first, it would have changed the locality to the place where the public work is located

(rather than where the physical work is performed), and second, it would have provided a locality for certain prefabrication work performed outside Washington. This bill died in the House Rules Committee.

## **WORK FORCE DEVELOPMENT**

With the passage of **EHB 1898**, the Legislature expanded apprenticeship utilization requirements to school districts. The requirements will be phased in between January 1, 2008, and January 1, 2010. By 2010, for public works by a school district estimated to cost \$1 million or more, all contract specifications must require that no less than 15 percent of the labor hours be performed by apprentices enrolled in state-approved apprenticeship training programs. However, school district projects that were funded by bond issues approved before July 1, 2007, are exempt.

## **WORKERS' COMPENSATION**

### **Administration**

In **2SHB 1503** the Committee considered issues related to medical examinations and the availability of medical information in the context of workers' compensation claims. As recommended by the Committee, the bill would have required that written reports be generated by an employer when an employer contacts an examining or attending provider and that additional reports be generated when an attorney, vocational counselor, nurse case manager, or other representative of the employer seeks to meet with an examining or attending provider. In addition, the bill would have established new procedures for the independent medical examination process, including requiring that the worker's attending physician conduct a first examination and then make a referral to another physician for subsequent examinations. The bill also contained provisions limiting contact with medical providers after notice of appeal is filed with the Board of Industrial Insurance Appeals. The bill died on the House Second Reading Calendar.

The Legislature enacted **EHB 2105**, related to the payment of initial prescription drug costs for state fund claims. Prior to the passage of this bill, the Department of Labor and Industries (Department) did not pay initial prescription drug costs associated with a potential claim until a decision was made to allow or reject the claim. In addition, if a claim was initially allowed, but later rejected, overpayments were assessed for the cost of treatment and benefits, including any related prescription drug costs. Beginning January 1, 2008, the Department, for state fund claims, must pay for initial prescription costs related to an initial medical visit for any alleged injury for which a worker files a workers' compensation claim regardless of whether the claim is allowed. The Department will report on implementation by December 1, 2009.

The Legislature enacted a bill at the request of the Department of Labor and Industries (Department), **SSB 5443**, defining and prohibiting "claim suppression." The Department

is required to adopt rules establishing monetary penalties for claim suppression and additional penalties include prohibiting the employer from participation in a retrospective rating program and withdrawing a self-insured employer's certification. The director of the Department is also granted investigative and subpoena power when there are allegations of claim suppression and when the director of the Department has probable cause that claim suppression might have occurred.

An Office of the Ombudsman for workers of self-insured employers is created in **SSB 5053**. The person to act as ombudsman is appointed by the Governor for a six-year term, but the Office of the Ombudsman may be contracted by the Governor. Among other obligations, the Office of the Ombudsman must act as an advocate for injured workers of self-insured employers, provide industrial insurance information to those workers, and identify, investigate, and facilitate resolution of industrial insurance complaints. An annual report must be submitted by the person appointed ombudsman to the Governor by October 1 of each year.

Two advisory committees to the Department of Labor and Industries (Department) are created in statute in **ESSB 5290**. The Medical Advisory Committee and the Chiropractic Advisory Committee generally will advise the Department on the provision of safe, effective, and cost-effective treatments for injured workers.

**SSB 5676**, which was enacted, addresses issues related to certain temporary total disability payments. With the passage of this bill, the prior closure of a claim or the receipt of permanent partial disability benefits does not affect the rate at which loss of earning power benefits are calculated upon re-opening of a claim. In addition, if an employer chooses to keep a worker on salary during a period of temporary total disability by continuing to pay a worker wages that the worker was earning at the time of injury, the bill provides that holiday pay, vacation pay, sick leave, or other similar benefits are not considered payments by the employer.

## **Benefits**

An issue that was first considered during the 2005 legislative session, hour banks, was again addressed in **SHB 1244**, which was enacted. The bill modifies the statutory definition of wages so that wages include an employer's payments or contributions, or appropriate portions thereof, for health care benefits unless the employer continues ongoing and current payment or contributions for these benefits at the same level as provided at the time of injury.

The presumption that certain diseases are occupational diseases for fire fighters is modified and expanded in **ESHB 1833**. However, the Governor vetoed the intent section of the bill, noting that it made broad generalizations about the incidence of cardiovascular disease. The bill creates a presumption for heart problem experienced within 24 hours of strenuous physical exertion due to firefighting activities. Certain cancers are also added to the list of cancers presumed to be occupational diseases. The

bill also requires that all reasonable costs of an appeal be paid to a fire fighter or his or her beneficiary when the ultimate decision in the appeal allows the claim for benefits.

The Legislature enacted a bill, **ESB 5675**, increasing the minimum workers' compensation benefit. Under the bill, the statutory minimum workers' compensation benefit is changed from a range of \$185 - \$352 to 15 percent of the state's average monthly wage plus an additional \$10 per month if a worker is married and an additional \$10 per month per child of the worker up to a maximum of 5 children. The bill contains a cap so that the minimum benefit cannot exceed 100 percent of the worker's wages at the time of injury.

**ESSB 5920**, relating to vocational rehabilitation, came before the Legislature at the request of the Governor and establishes a vocational rehabilitation pilot project from January 1, 2008, until June 30, 2013. Under the pilot project, the allowed cost for vocational rehabilitation plans is increased to \$12,000 and time for retraining is increased to two years. Time frames for the vocational plan development process are established in statute so that vocational plan development does not extend beyond 90 days without good cause, as determined by the Department of Labor and Industries. The pilot project creates an option for workers who, after vocational plan development, decline to participate in an approved vocational plan. These workers will receive six months of time loss benefits and have money available to them for five years for retraining. An annual report is due to the Legislature beginning on December 1, 2009.

### **Health Care Providers**

In 2004 the Legislature temporarily allowed advanced registered nurse practitioners (ARNPs) to have nearly the same roles and responsibilities as physicians under the Industrial Insurance Act. That authority was scheduled to expire on June 30, 2007. With the passage of **HB 1666**, the ARNP authority became permanent.

In 2004 the Legislature also temporarily allowed physician assistants (PAs) to assist workers applying for compensation for simple industrial injuries and complete and have sole signature on the report of accident for these claims. That authority was scheduled to expire on July 1, 2007. Under **HB 1722**, however, PAs will continue to have this authority and expanded authority to sign any certificate, card, form, or other documentation required by the Department of Labor and Industries (Department) that the PA's supervising physician may sign. A PA's authority under this provision includes signing an application for compensation, but does not including rating a permanent partial disability. The Department will report to the Legislature on implementation by December 1, 2008.

### **Other**

Three budget provisos also addressed workers' compensation issues. Pursuant to Section 218(12) of **SHB 1128**, the Department of Labor and Industries must contract with an independent researcher to study the incidence of total permanent disability pensions in

the workers' compensation system. Section 218(5) of **SHB 1128** appropriates \$8 million from the Medical Aid Account for the biennium for the Department of Labor and Industries to establish a program of safety and health projects, provided that the projects involve workplaces insured by the Medical Aid Account and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives. Lastly, section 218(6) of **SHB 1128** appropriates \$600,000 from the Medical Aid Account for the biennium for the Department of Labor and Industries to contract with one or more independent experts to evaluate and recommend improvements to the Retrospective Rating Program. This evaluation must include analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

## **WORKPLACE SAFETY**

The Legislature enacted a bill, **ESHB 2171**, dealing with construction crane safety under the Washington Industrial Safety and Health Act. The bill requires the Department of Labor and Industries (Department) to establish a crane certification program in rule. Under the program, the Department will certify crane inspectors and require periodic inspections of construction cranes by these inspectors. The bill also requires the Department to establish qualified crane operator requirements in rule. Employers are prohibited from allowing a crane operator who is not a qualified crane operator to operate a crane without supervision.

**2007 SESSION REPORT**  
**House Commerce & Labor Committee**

**Enacted Bills**

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<b><i>BUILDING &amp; CONSTRUCTION</i></b>			
SHB 1843	Conway	<b><i>Contractors.</i></b> Makes numerous changes to the Contractor Registration Act, including changes relating to definitions, registration, exemptions, bonds, disclosure statements, collections, investigations, civil infractions, and criminal violations.	C 436 L 07
ESHB 1968	Simpson	<b><i>Sprinkler fitters.</i></b> Establishes a certification requirement for sprinkler fitters to be administered by the state Director of Fire Protection; and specifies qualifications for certification of journey-level and residential sprinkler fitters with and without examination.	C 435 L 07
SB 5926	Kohl-Welles	<b><i>Underground economy task force.</i></b> Creates a Joint Legislative Task Force on the underground economy in the construction industry.	C 288 L 07
<b><i>BUSINESS LICENSING &amp; REGULATION</i></b>			
SHB 1574	Conway	<b><i>Uniform regulation of business and professions.</i></b> Makes a number of changes to the business and profession programs administered by the Department of Licensing, and to the uniform disciplinary procedures for businesses and professions regulated by the department.	C 256 L 07
SHB 1988	Morrell	<b><i>Security guards -- post assignment training.</i></b> Modifies requirements for post-assignment training for security guards.	C 306 L 07
ESSB 5112	Schoesler	<b><i>Vessel auctions.</i></b> Allows auction companies also licensed as motor vehicle dealers to sell vessels up to 25 feet long without registering as vessel dealers.	C 378 L 07
ESSB 5788	Spanel	<b><i>Home inspectors.</i></b> Requires the Department of Licensing to conduct a study of the regulation of home inspectors under the sunrise criteria and report to the Legislature.	C 388 L 07
SSB 5984	Murray	<b><i>Structural engineers and significant structures.</i></b> Requires an engineer to be registered as a structural engineer to provide structural engineering services for defined significant structures.	C 193 L 07
SB 6090	Delvin	<b><i>Security guards -- crowd management or guest services.</i></b> Modifies the exemption from the security guard licensing law for persons who perform crowd management or guest services.	C 154 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<b>CONSUMER PROTECTION</b>			
HB 2135	Wood	<b>Lemon law -- coverage for out-of-state consumers.</b> Expands coverage under the state's lemon law to include vehicles that were purchased in Washington, but licensed in another state.	C 425 L 07
SSB 5050	Weinstein	<b>Lemon law -- reasonable offset.</b> Changes the way the reasonable offset, the amount that a consumer is required to pay when a vehicle meets the statutory definition of a lemon, is calculated.	C 426 L 07
SSB 5554	McAuliffe	<b>Self-service storage facilities.</b> Makes a variety of changes to the regulation of self-service storage facilities, including changes to the process that is used when rent is overdue.	C 113 L 07
SSB 5895	Fraser	<b>Seller's disclosure statement.</b> Requires sellers of unimproved real property zoned as residential to complete a seller's disclosure statement; and makes changes to the required disclosures for sellers of improved and unimproved property.	C 107 L 07
<b>EMPLOYMENT</b>			
HB 1457	Lovick	<b>Youth soccer referees.</b> Excludes employment of certified youth soccer referees under the age of 14 from child labor criminal provisions.	C 464 L 07
SB 5635	Brandland	<b>Polygraph tests.</b> Expands the exception for persons making <u>initial</u> applications for employment with law enforcement and juvenile court services agencies to persons making <u>any</u> applications with such agencies; and creates an exception for persons returning after a 24-month break in service as a fully commissioned law enforcement officer.	C 14 L 07
ESSB 5915	Honeyford	<b>Notices.</b> Requires the Employment Security Department and the Department of Labor and Industries to send employers printed material that the agencies recommend or require employers to post.	C 287 L 07
<b>GAMBLING, HORSE RACING &amp; LOTTERY</b>			
HB 1218	Conway ; Gambling Commission Request	<b>Gambling Commission's authority to temporarily issue, suspend, and renew licenses.</b> Allows the Gambling Commission to delegate to the Director the authority to issue temporary licenses and suspend licenses for certain types of licenses; and provides a six-month grace period after completion of service for license renewal for some military personnel.	C 206 L 07
HB 1291	Quall; Horse Racing Commission Request	<b>Advance deposit wagering.</b> Removes the expiration date for horse racing advance deposit wagering.	C 209 L 07
HB 1599	Hunt	<b>State employee raffles.</b> Permits executive branch employees to conduct and solicit donations for raffles for specified charitable purposes under certain conditions.	C 452 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
HB 1706	Conway	<b><i>Sovereign immunity waiver.</i></b> Removes the expiration date for the state's limited waiver of sovereign immunity in actions brought by tribes under the Indian Gaming Regulatory Act.	C 321 L 07
SB 5389	Hewitt	<b><i>Nonprofit simulcasts.</i></b> Allows nonprofit horse racing associations to import one simulcast race of regional or national interest on each live race day.	C 100 L 07
<b>LIQUOR</b>			
ESHB 1047	Williams	<b><i>Confections containing liquor.</i></b> Allows grocery stores licensed by the Liquor Control Board that also have a snack bar license to sell confections with up to 10 percent alcohol to persons 21 or older.	C 226 L 07
HB 1349	Condotta	<b><i>Keg sales.</i></b> Allows restaurants holding a spirits, beer, and wine license to sell kegs of malt liquor.	C 53 L 07
EHB 2113	Williams	<b><i>Objections by local jurisdictions to the issuance and renewal of liquor licenses.</i></b> Directs the Liquor Control Board to give substantial weight to the objections of a local jurisdiction to the issuance or renewal of a liquor license based on chronic illegal activity associated with the applicant's operation of the premises or other licensed premises, or the conduct of the applicant's patrons inside or outside the premises; and makes other changes in the review of liquor license applications.	C 473 L 07
HB 2240	Conway	<b><i>Personal services by wineries and other activities.</i></b> Creates tied-house exceptions to allow: (1) wineries to provide personal services for a retailer, including participation and pouring at a restaurant and bottle signings; (2) internet listings and links between wineries and breweries and retailers; and (3) wineries and retailers to produce promotional information with local wine industry associations.	C 217 L 07
SB 5011	Kohl-Welles	<b><i>Direct shipment expiration.</i></b> Removes the June 30, 2008 expiration date for the direct shipment of beer and wine by out-of state wineries and breweries to retailers.	C 9 L 07
SB 5551	Prentice	<b><i>Enforcement of liquor and tobacco laws and tobacco-related taxes.</i></b> Expands the authority of the Liquor Control Board to inspect books and records for enforcement of tobacco and cigarette tax laws and authorizes issuance of subpoenas for production of documents for enforcement of liquor laws and tobacco and cigarette tax laws; provides a business and occupation tax exemption for the stamping allowance granted to wholesalers and retailers for affixing cigarette tax stamps; and provides a credit on the other tobacco products tax for products sold to the federal government and tribes.	C 221 L 07
SSB 5639	Spanel	<b><i>Microbrewery catering.</i></b> Allows microbreweries with restaurant licenses to have restaurant privileges, which allows a catering endorsement.	C 222 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SSB 5721	Kohl-Welles	<b>Sports/entertainment facilities.</b> Allows a liquor manufacturer, importer, or distributor to enter into an arrangement with a sports/entertainment facility licensee or an affiliated business for brand advertising at the licensed facility or promoting events held at the facility, with a capacity of 5000 or more; requires the Liquor Control Board to monitor the arrangements, gives auditing authority to the Board, and requires the Board to report to the Legislature.	C 369 L 07
E2SSB 5859	Kohl-Welles	<b>Licensing.</b> Lowers the spirits, beer, and wine restaurant density cap to one license for every 1,300 people in the state; expands the list of organizations eligible for a special occasion license to include local wine industry associations; allows restaurants that do catering to store liquor off-premises under certain conditions; allows a brewery or microbrewery with a restaurant license to operate a second restaurant, off the premises of the brewery or microbrewery and gives breweries restaurant license privileges, including catering; authorizes an extension of time for the summary suspension of a liquor license under specified circumstances; and creates a new hotel liquor license.	C 370 L 07
SSB 5898	Kohl-Welles	<b>Common carriers.</b> Allows domestic wineries and certificate of approval holders to use common carriers to deliver up to 100 cases of wine of their own production per month.	C 16 L 07
<b>PUBLIC SECTOR COLLECTIVE BARGAINING</b>			
SHB 1693	Appleton; DOT Request	<b>Ferry employees.</b> Changes time frames for collective bargaining for ferry employees; and provides procedure for selection of interest arbitrator before bargaining.	C 160 L 07
ESHB 1916	Conway	<b>Individual providers and family child care providers.</b> Specifies factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving individual providers or family child care providers under the Public Employees' Collective Bargaining Act.	C 278 L 07
ESHB 2111	Williams	<b>Adult family home providers.</b> Provides for collective bargaining between the Governor and a statewide unit of adult family home providers under the Public Employees' Collective Bargaining Act; and also provides for negotiated rule-making with a statewide unit of adult family home licensees under the Administrative Procedure Act.	C 184 L 07
E2SHB 2284	Green	<b>Long-term care workers.</b> Establishes a 15-member workgroup to evaluate current training requirements for long-term care workers, and requires the workgroup to report its findings and recommendations by December 1, 2007; requires that long-term care workers be offered peer mentoring and complete increased continuing education, and that the Department of Social and Health Services offer opportunities for advanced training; and specifies that a training partnership provide training and certain other services to individual providers, and that employer contributions to the training partnership be a mandatory subject of collective bargaining.	C 361 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SHB 2361	Conway	<b>Institutions of higher education.</b> Makes the Public Employees' Collective Bargaining Act applicable to certain employees of institutions of higher education who are exempted from civil service under the Personnel System Reform Act.	C 136 L 07
ESB 5251	Kohl-Welles	<b>School districts, cities, counties, and municipal corporations.</b> Increases from three to six years the maximum allowable term for collective bargaining agreements between cities, counties, municipal corporations, and school districts and their respective employees under the Public Employees' Collective Bargaining Act.	C 75 L 07
<b>UNEMPLOYMENT COMPENSATION</b>			
SHB 1278	Conway; Gov Request	<b>New employer contribution rates.</b> Makes unemployment insurance contribution rates for new employers 90 percent, 100 percent, or 110 percent of average industry rates, depending on benefits charged and contributions paid by new employers in a three-year period.	C 51 L 07
SHB 1407	Conway; ESD Request	<b>Administrative funding.</b> Makes existing moneys generally available for administering the unemployment compensation system and other programs under the Employment Security Act.	C 327 L 07
ESSB 5373	Kohl-Welles; ESD Request	<b>Reporting, penalty, and corporate officer provisions.</b> Adds services performed by corporate officers to covered employment for purposes of unemployment compensation, with certain exceptions; makes corporate officers personally liable for certain contributions owed by corporations that have gone out of business; charges certain benefits resulting from an employer's reporting errors to the employer's experience rating account; modifies penalties for employers who file untimely, incomplete, and incorrectly formatted tax and wage reports; increases weeks of disqualification and adds penalties for claimants who make false statements involving material facts; and designates professional employer organizations and client employers as co-employers.	C 146 L 07
SSB 5534	Kohl-Welles	<b>Performing arts.</b> Excludes services performed by certain persons participating in performances sponsored by certain small theater companies and dinner theaters, dance companies, musical groups and artists, and museums from employment for purposes of unemployment benefits and taxes.	C 366 L 07
SSB 5653	Kauffman	<b>Self-employment assistance.</b> Provides that certain unemployed individuals may receive regular unemployment benefits while participating in a self-employment assistance program; and requires program participants to pursue self-employment activities in lieu of being able, available, and actively seeking work.	C 248 L 07
SSB 5702	Benton	<b>Churches.</b> Requires churches, conventions or associations of churches, and certain organizations operated for religious purposes, to inform employees that they may not be eligible to receive unemployment benefits based on that employment.	C 386 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<b>WAGE AND HOUR</b>			
HB 1370	Green L&I Request	<b>Prevailing wage determinations/public employees.</b> Excludes public employees from prevailing wage requirements and surveys to determine prevailing wages.	C 169 L 07
SHB 1583	Moeller	<b>Automatic service charges.</b> Requires employers that provide food, beverage, entertainment, or portage to disclose the percentage of automatic service charges that are paid directly to employees.	C 390 L 07
E2SSB 5659	Keiser	<b>Family leave insurance.</b> Provides for family leave insurance benefits of \$250 per week for up to five weeks for individuals on leave for the birth or placement of a child; provides for job protection following leave for individuals who work for an employer with more than 25 employees for at least 12 months, and who have worked for at least 1,250 hours over the previous 12 months; creates a joint legislative task force to study the establishment of the family leave insurance program, including financing and administration; authorizes the director of the Department of Labor and Industries (Department) to loan funds from the Supplemental Pension Fund to the Family Leave Insurance Account; and appropriates up to \$18 million from the Family Leave Insurance Account to the Department for the initial administration of the family leave insurance program.	C 357 L 07
<b>WORK FORCE TRAINING</b>			
EHB 1898	Quall	<b>School district apprenticeship utilization requirements.</b> Modifies the apprenticeship utilization statute to include school districts with phased-in apprenticeship utilization requirements, but school districts are not required to meet the specified amount of apprentice labor hours if the school projects were funded by bond issues approved before July 1, 2007.	C 437 L 07
<b>WORKERS' COMPENSATION</b>			
SHB 1244	Conway	<b>Hour banks.</b> Modifies the definition of wages used to calculate workers' compensation benefits so that, as consideration of like nature to board, housing, and fuel, wages also include the employer's payment or contributions, or appropriate portions thereof, for health care benefits unless the employer continues ongoing and current payment or contributions for these benefits at the same level as provided at the time of injury.	C 297 L 07
SHB 1500	Conway	<b>Permanent partial disability claims.</b> Creates options for reducing a pension award when it is preceded by a permanent partial disability award so that, instead of deducting the amount from the pension reserve of the claim, a worker may choose to have the amount deducted from monthly pension payments in an amount not to exceed 25% of the monthly amount due or one-sixth of the total overpayment, whichever is less.	C 172 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
HB 1501	Wood	<b><i>Social security offsets.</i></b> Repeals the sunset date on the authority of the Department of Labor and Industries (Department) to make retroactive benefit adjustments in situations when the worker's benefits were offset by both the federal government for Social Security disability benefits and by the Department.	C 255 L 07
HB 1666	Green	<b><i>Advanced registered nurse practitioner authority.</i></b> Repeals the expiration date on provisions providing that the health services available to injured workers include health services provided by advanced registered nurse practitioners (ARNPs) within their scope of practice and giving ARNPs the same roles and responsibilities as physicians, except that ARNPs may not conduct special medical examinations.	C 275 L 07
HB 1722	Conway	<b><i>Physician assistant authority.</i></b> Requires the Department of Labor and Industries (Department) to accept the signature of a physician assistant (PA) on any certificate, card, form, or other documentation required by the Department that the PA's supervising physician may sign, but a PA may not rate a workers' permanent partial disability; and requires the Department to report to the Legislature on implementation by December 1, 2008, including the effect on injured worker outcomes, claim costs, and disputed claims.	C 263 L 07
ESHB 1833	Conway	<p><b><i>Presumption of occupational disease for firefighters.</i></b> Expands the presumption of occupational disease for firefighters to include heart problems experienced within 24 hours of exposure to strenuous physical exertion due to fire fighting activities and to include certain cancers; and provides that, in an appeal related to the presumption, if the final decision allows the claim for benefits, the Board of Industrial Insurance Appeals or the court must order that all reasonable costs of the appeal be paid to the firefighter or his or her beneficiary.</p> <p><b><i>Partial Veto:</i></b> The Governor vetoed the intent section, which contained legislative findings about firefighters working in the midst of smoke, fumes, infectious diseases, and toxic and hazardous substances; firefighters entering uncontrolled environments to save lives, provide emergency medical services, and reduce property damage without being aware of the potential toxic and carcinogenic substances, and infectious diseases that they may be exposed to; the harmful effects caused by firefighters' exposure to hazardous substances developing very slowly, manifesting themselves years after exposure; firefighters frequently and at unpredictable intervals performing job duties under strenuous physical conditions unique to their employment when engaged in firefighting activities; and firefighting duties exacerbating and increasing the incidence of cardiovascular disease in firefighters.</p>	C 490 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
HB 1949	Williams	<b>Workers harvesting geoduck clams.</b> Requires that employers of workers involved in harvesting geoduck clams pursuant to an agreement with the Department of Natural Resources provide state industrial insurance coverage for those workers; provides that, if benefits are paid under both the Industrial Insurance Act and federal maritime laws, a worker must repay the benefits paid under the Industrial Insurance Act; and provides that, for claims under the Jones Act, the employer is deemed a third party under the Industrial Insurance Act and the Department of Labor and Industries or self-insurer may file a notice of statutory interest in recovery from that third party.	C 324 L 07
EHB 2105	Conway	<b>Payment for initial prescription costs.</b> Requires the Department of Labor and Industries, for state fund claims, to pay for initial prescription costs related to an initial medical visit for any alleged injury for which a worker files a workers' compensation claim regardless of whether the claim is allowed.	C 134 L 07
SSB 5053	Keiser	<b>Office of the ombudsman for workers of self-insured employers.</b> Creates the Office of the Ombudsman for workers of self-insurers; provides that the person to act as the ombudsman must be appointed by the Governor, but allows the Governor to contract for the Office of the Ombudsman; and provides that the Office of the Ombudsman shall not be physically housed within the Industrial Insurance Division of the Department of Labor and Industries.	C 281 L 07
ESSB 5290	Keiser	<b>Medical and chiropractic advisory committees.</b> Requires the Department of Labor and Industries to establish a Medical Advisory Committee and a Chiropractic Advisory Committee; establishes limitations related to appointing committee members; authorizes payment for committee members; and grants immunity to committee members for committee work.	C 282 L 07
SSB 5443	Kohl-Welles	<b>Claim suppression.</b> Prohibits "claim suppression" by employers and increases penalties for claim suppression; defines claim suppression as intentionally (1) inducing employees to fail to report injuries, (2) inducing employees to treat injuries in the course of employment as off-the-job injuries, or (3) acting otherwise to suppress legitimate industrial insurance claims; grants the Department of Labor and Industries related investigatory and subpoena authority; and grants discretionary authority to waive the time limit for filing a workers' compensation claim when claim suppression is substantiated if the complaint or allegation of claim suppression is received within two years of the worker's accident or exposure and the claim for benefits is filed within 90 days of the date the determination of claim suppression is made.	C 77 L 07
ESB 5675	Franklin	<b>Minimum benefits.</b> Increases the minimum benefit to 15 percent of the average monthly wage in the state plus an additional \$10 per month if a worker is married and an additional \$10 per month for each child of the worker up to a maximum of five children; and provides that, if the monthly payment is greater than 100 percent of the wages of the worker, the monthly payment due to the worker is the greater of the monthly wages of the worker or the minimum benefit on June 30, 2008.	C 284 L 07

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SSB 5676	Keiser	<b>Loss of earning power and kept-on-salary.</b> Provides that the prior closure of a claim or the receipt of a permanent partial disability award does not affect the rate at which loss of earning power benefits are calculated upon the re-opening of a claim; and provides that, if an employer chooses to use kept-on-salary, then holiday pay, vacation pay, sick leave, or other similar benefits are not deemed to be payments by the employer.	C 190 L 07
SSB 5688	Kohl-Welles	<b>Notices, orders, or warrants prior to an appealable order.</b> Allows notices, orders, or warrants to be sent to a claimant in care of a representative before an appealable order is issued on a claim.	C 78 L 07
ESSB 5920	Kohl-Welles	<b>Vocational rehabilitation.</b> Creates a vocational rehabilitation pilot program from January 1, 2008, until June 30, 2013; increases allowable costs for vocational rehabilitation plans to \$12,000 and increases time for retraining to two years; establishes time frames for the vocational plan development process so that vocational plan development does not extend beyond 90 days without good cause, as determined by the Department of Labor and Industries; creates an option for workers who, after vocational plan development, decline to participate in an approved vocational plan; addresses issues related to vocational plan interruption; and contains provisions related to future vocational assistance that limit the time and allowable costs for vocational rehabilitation in certain subsequent or re-opened claims.	C 72 L 07
<b>WORKPLACE SAFETY</b>			
ESHB 2171	Eddy	<b>Crane safety.</b> Requires the Department of Labor and Industries to establish a crane certification program; and requires the Department to establish requirements for “qualified crane operators” including a certification requirement and an experience requirement.	C 27 L 07

**2007 SESSION REPORT**  
**House Commerce & Labor Committee**

**Other Bills Passed Out of Committee**

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<b><i>BUILDING &amp; CONSTRUCTION</i></b>			
SHB 1597	Moeller	<b><i>Electrical, plumbing, and elevator work.</i></b> Requires persons doing electrical, plumbing, and conveyance work to have their licenses and certificates in their possession, and to produce their licenses and certificates upon request; requires that licenses and certificates be wallet size, made of durable material, and include photo identification; and directs the Department of Labor and Industries to convene a work group to develop recommendations for enforcement of this requirement by December 1, 2007.	H Rules C
SHB 1876	Conway	<b><i>HVAC/R work.</i></b> Expresses legislative finding that heating, ventilating, air conditioning, and refrigeration mechanic certification laws may need to be modified, and that a trade coordination panel may need to be established.	S 2nd Reading
HB 2086	Conway	<b><i>Underground economy task force.</i></b> Creates a Joint Legislative Task Force on the underground economy in the construction industry. Similar Senate Bill (SB 5926) enacted.	H Approp
<b><i>BUSINESS LICENSING &amp; REGULATION</i></b>			
SHB 1842	Kenney	<b><i>Cosmetology.</i></b> Contains provisions related to enforcement of cosmetology standards, including requiring the Department of Licensing (DOL) to affix a permanent photograph to a license, requiring the DOL to establish new safety and sanitation rules by January 1, 2008, and requiring the DOL to provide a notice to be posted in salons about artificial nails; grants the DOL additional authority to conduct risk-based inspections; clarifies that penalty procedures under the Uniform Regulation of Business and Professions Act apply to all violations of cosmetology requirements; and requires the DOL to establish a penalty schedule in rule.	H Approp
SHB 1961	Conway	<b><i>Boxing, kickboxing, mixed martial arts, and wrestling.</i></b> Changes the payment structure to provide for an event "fee" set by rule rather than a 5% "tax" on gross; requires medical insurance for kickboxing and mixed martial arts promoters, in addition to boxing promoters; specifies that proof of insurance for all events must be filed 72 hours before the event; gives an event physician authority to stop any bout (as opposed to the entire event); requires a promoter to have a paramedic unit with transport and resuscitation capabilities, rather than just an ambulance; allows breathalyzer tests during an event; allows the Department of Licensing to contract for appointed officials; adds inspector positions; allows participant changes; and makes other changes.	H Rules R

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
HB 2106	Kenney	<b>Farm labor contractors.</b> Makes numerous changes to clarify requirements for granting, denying, suspending, and revoking licenses; requires applicants for a license to pass an examination; gives the director of the Department of Labor and Industries authority to immediately revoke a license where there is a danger to public health, safety, or welfare; varies the amount of the surety bond depending on the number of workers (\$10,000 to \$30,000); limits recruitment fees; sets state standards for transportation safety; and modifies Washington's prohibition against nondiscrimination.	H Rules C
HB 2247	Conway	<b>Forest products harvesters or haulers.</b> Establishes a process by which the Department of Labor and Industries sets intrastate compensation rates for log haulers.	H Approp
HB 2324	Hunt	<b>Soil scientists.</b> Prohibits use of the title "soil scientist" unless the person obtains certification from the Department of Licensing; and provides standards of professional conduct and disciplinary procedures for certified soil scientists.	H Approp
<b>EMPLOYMENT</b>			
SHB 2094	Conway	<b>Taxpayer health care fairness act.</b> Requires employers with 1000 or more employees to report their labor force to the Department of Social and Health Services and the Health Care Authority each quarter; and requires agencies to send quarterly notices to employers who have employees enrolled in Medicaid or the Basic Health Plan (BHP), informing employers that they must either: (1) pay an assessment to cover the cost of providing health care to the employee; or (2) enter into an agreement to: (a) reimburse the state for the cost of "wrap-around" health care coverage for employees on Medicaid; or (b) pay for premium costs for employees in BHP. Related budget proviso (Section 209(23) of SHB 1128) enacted.	H Approp
<b>GAMBLING, HORSE RACING &amp; LOTTERY</b>			
HB 1345	Wood	<b>Gambling by minors.</b> Creates a penalty (class 2 civil infraction) for minors who gamble; and allows in-house controlled purchase program.	S Rules 2G
SHB 1346	Wood	<b>Exclusion of certain persons from gambling premises.</b> Authorizes the Gambling Commission to create a "bar" list of persons to be excluded from licensed gambling premises; and provides penalties.	H Rules R
SHB 2320	Strow	<b>Internet gambling - penalty.</b> Reduces the specific penalty for internet gambling from a class C felony to a gross misdemeanor for a person who gambles in his or her primary residence for recreational purposes.	H 2nd reading

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
ESSB 5558	Prentice	<b>House-banked card rooms.</b> Limits card rooms to those operating or with an application pending as March 31, 2007; allows cities/counties to ban all card rooms or zone card rooms; provides that a decision to ban card rooms is subject to referendum until July 1, 2010; allows a card room in a jurisdiction that decides to ban card rooms to move to another jurisdiction that decides to allow card rooms; and provides immunity for the Gambling Commission.	H 2nd reading
<b>LABOR</b>			
SHJM 4008	Conway	<b>Organizing rights.</b> Petitions the U.S. Congress to enact the Employee Free Choice Act to protect workers' rights to organize.	H Rules R
<b>LIQUOR AND TOBACCO</b>			
SHB 1154	Morrell	<b>Lawful tobacco products.</b> Prohibits requiring employees or applicants to disclose tobacco consumption or agree (verbally or in writing) not to consume tobacco products; provides exceptions; allows employers to prohibit smoking on the premises or during work hours, or both; and makes violations a misdemeanor and authorizes civil actions for \$500 and actual damages.	H Rules R
SHB 1215	McDonald	<b>Alcohol vaporizing devices.</b> Makes illegal the sale, purchase, or use of an alcohol vaporizing device.	S Lab/Comm/RD
SHB 1975	Springer	<b>Storage of liquor by restaurants.</b> Allows holders of restaurant licenses with catering endorsements to store liquor on other premises under specified circumstances. Similar provision (part of E2SSB 5859) enacted.	S 2nd Reading
HB 2076	Conway	<b>Grocery store beer and wine tasting.</b> Creates a pilot project for 30 grocery stores to offer beer and wine tasting; with two ounce samples up to four ounces per customer.	H Rules C
SB 5902	Prentice	<b>Sunday sales.</b> Requires the Liquor Control Board to expand Sunday sales to at least an additional 29 state liquor stores; creates a Public Benefit and Research Services Account; directs that \$1,950,000 from account (anticipated revenue from new Sunday sales) be used to assist courts with language interpreter services and the municipal council with research and services for ports and special purpose districts. Similar budget provisos enacted (Sections 147(2), 113(6) and 139 of SHB 1128.)	H Approp
<b>PUBLIC SECTOR COLLECTIVE BARGAINING</b>			
SHB 1913	Conway	<b>Certification of exclusive bargaining representatives.</b> Authorizes a cross-check if an application for certification of an organization as an exclusive bargaining representative is submitted along with a majority showing of interest; and provides for certification of an organization as the exclusive bargaining representative if there are valid cards for a majority of the employees in the unit.	H Rules C

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
HB 2203	Blake	<b><i>Nuclear power plants.</i></b> Adds the operating and maintenance employees at a commercial nuclear power plant to the employees covered by interest arbitration under the Public Employees' Collective Bargaining Act; and specifies factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving these employees.	H Rules C
HB 2326	Williams	<b><i>Disclosure of collective bargaining information.</i></b> Creates a public disclosure exemption for records from any collective bargaining, labor negotiations, or grievance or mediation, that would reveal strategies or positions taken.	H Rules R
SHB 2348	Sells	<b><i>Disclosure of mediation communications and evidence of interest.</i></b> Creates a public disclosure exemption for Public Employee Relations Commission and Marine Employees' Commission records of mediation communications and evidence of interest in support of a petition for representation or a motion for intervention exempt from public disclosure.	H Rules R
HB 2354	Williams	<b><i>Adult family home caregivers.</i></b> Amends the Public Employees' Collective Bargaining Act to allow adult family home caregivers to become part of the individual provider bargaining unit.	H Approp
<b>UNEMPLOYMENT COMPENSATION</b>			
SHB 1406	Conway	<b><i>Reporting, penalty, and corporate officer provisions.</i></b> Adds services performed by corporate officers to covered employment for purposes of unemployment compensation, unless made exempt by corporations; makes corporate officers personally liable for certain contributions owed by corporations that have gone out of business; charges certain benefits resulting from an employer's reporting errors to the employer's experience rating account; modifies penalties for employers who file untimely, incomplete, and incorrectly formatted tax and wage reports; iIncreases weeks of disqualification and adds penalties for claimants who make false statements involving material facts; and specifies that personal services performed for a client under an agreement with a professional employer organization are employment for the client. Similar bill (ESSB 5373) enacted.	H Rules C
SSB 5137	Kohl-Welles	<b><i>New employer contribution rates.</i></b> Makes unemployment insurance contribution rates for new employers 90 percent, 100 percent, or 110 percent of average industry rates, depending on benefits charged and contributions paid by new employers in a three-year period. Identical bill (SHB 1278) enacted.	H Rules R

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<b>WAGE AND HOUR</b>			
SHB 1118	Miloscia	<b>Living wages - state contracts.</b> Requires state contractors and subcontractors to pay employees performing work under contracts a living wage rate; specifies that the living wage rate is \$9.25 per hour if health benefits are provided, or \$11 per hour if health benefits are not provided; requires that the living wage rate be adjusted annually for inflation; makes the living wage rate requirement applicable only to contracts entered into by either the Department of Community, Trade and Economic Development or the Department of Ecology on or after January 1, 2008.	H Approp
HB 1306	Green	<b>Mandatory overtime - public facilities.</b> Adds various public facilities, including state hospitals, veterans' homes, residential habilitation centers, and certain correctional facilities, to the health care facilities prohibited from requiring overtime from nursing staff.	H Approp
SHB 1658	Dickerson	<b>Family and medical leave insurance.</b> Establishes the family and medical leave insurance program; provides for payment of benefits of \$250 per week for up to five weeks to individuals on family and medical leave; and provides for assessment of premiums of 2 cents per hour worked per individual. Related bill (E2SSB 5659) enacted.	H Approp
HB 1908	Wood	<b>Prevailing wages for off-site prefabrication.</b> Provides that the locality for purposes of determining the prevailing wage is where the public work is located; and provides that the locality for prefabrication of nonstandard, project-specific items outside Washington is the largest city in the county of the installation.	H Rules R
SHB 1920	Conway	<b>Agricultural overtime.</b> Limits overtime exemption for certain persons involved in agricultural activities to those employed by the farm owner or operator.	H Rules R
<b>WORK FORCE TRAINING</b>			
SHB 1919	Conway	<b>Port district apprenticeship utilization.</b> Modifies the apprenticeship utilization statute to include port districts that have gross operating revenue of \$75 million or more per year; and exempts ports districts with established apprenticeship utilization programs.	H Rules R
<b>WORKERS' COMPENSATION</b>			
2SHB 1503	Conway	<b>Injured worker medical rights.</b> Establishes requirements related to contact with medical providers after an appeal is filed with the Board of Industrial Insurance Appeals; requires employers to create written reports detailing contact with industrial insurance medical providers; establishes procedures for the Department of Labor and Industries (Department) and self-insured employers to use when ordering a medical examination of an injured worker; and specifies criteria for Department rules governing the qualifications of medical examiners and their eligibility for the approved list of medical examiners.	H Rules C

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SHB 1562	Conway	<b>Medical and chiropractic advisory committees.</b> Authorizes the Department of Labor and Industries to establish a Medical Advisory Committee and a Chiropractic Advisory Committee; establishes limitations related to appointing committee members; authorizes payment for committee members; and grants immunity to committee members for committee work. Similar bill (ESSB 5290) enacted.	H Rules R
SHB 1792	Conway	<b>Pension study.</b> Requires the Department of Labor and Industries (Department) to contract with an independent researcher approved by the Workers' Compensation Advisory Committee (WCAC) to study the incidence of total permanent disability pensions; requires the Department to report to the WCAC on the results; and provides that the bill is null and void if not funded in the budget. Related budget proviso (Section 218(12) of SHB 1128) enacted.	H Approp
ESHB 2073	Conway	<b>Vocational rehabilitation.</b> Creates a vocational rehabilitation pilot program from January 1, 2008, until June 30, 2013; increases allowable costs for vocational rehabilitation plans to \$12,000 and increases time for retraining to two years; establishes time frames for the vocational plan development process so that vocational plan development does not extend beyond 90 days without good cause, as determined by the Department of Labor and Industries; creates an option for workers who, after vocational plan development, decline to participate in an approved vocational plan; addresses issues related to vocational plan interruption; and contains provisions related to future vocational assistance that limit the time and allowable costs for vocational rehabilitation in certain subsequent or re-opened claims. Identical bill (ESSB 5920) enacted.	S Rules 2
<b>WORKPLACE SAFETY</b>			
ESB 5723	Rasmussen	<b>Agricultural worker safety.</b> Requires the Department of Agriculture, subject to appropriation, to administer a community agricultural worker safety grant program. Related budget proviso (Section 309(7) of SHB 1128) enacted.	H Approp

**2007 SESSION REPORT**  
**House Commerce & Labor Committee**

**Bills Referred to Committee**

BILL NO.	SPONSOR	SUMMARY
<b><i>BUILDING &amp; CONSTRUCTION</i></b>		
HB 1013	Moeller	<b><i>Electrical, plumbing, and elevator work.</i></b> Requires persons doing electrical, plumbing, and conveyance work to wear and visibly display their license or certificate, which must include photo identification; does not require persons to wear and display their license or certificate if doing so would create a danger or unsafe condition for the person or the public; requires counties and cities to refer "alleged or apparent" violations of this requirement to the Department of Labor and Industries for investigation and appropriate enforcement action. Related bill (SHB 1597) in H Rules C.
HB 1388	McDonald	<b><i>Contractors - use of another contractor's number.</i></b> Makes it a gross misdemeanor to use another contractor's registration number to advertise or perform work. Related bill (SHB 1843) enacted.
HB 1389	McDonald	<b><i>Contractors - advertising.</i></b> Requires that contractor registration numbers be omitted in advertising in print news media; and requires publishers to retain copies of certificates of registration for two years.
HB 1724	Grant	<b><i>Fire safety standards.</i></b> Requires the state Fire Marshall to adopt fire safety standards for upholstered furniture and for certain electronic equipment; for upholstered furniture, specifies that the standard be substantially the same as a California draft revised technical bulletin; and for electronic equipment, specifies that the standard be substantially the same as an International Electrotechnical Commission document.
HB 1917	Grant	<b><i>HVAC/R work.</i></b> Requires heating, ventilating, air conditioning, and refrigeration (HVAC/R) contractors to have HVAC/R administrators; establishes eligibility criteria for examination to obtain certificate; provides for certification without examination for persons with specified work experience; and expands the plumbing board to a 14-member plumbing and HVAC/R advisory board. Related bill (SHB 1876) died on S 2nd Reading.
HB 1936	Moeller	<b><i>Contractors - licensing.</i></b> Requires construction contractors to pass an examination to be licensed (rather than registered) by the Department of Labor and Industries (Department); establishes a nine-member advisory board to advise the Department on contractor licensing matters; and includes a grandfather clause permitting licensure without examination for contractors registered before July 1, 2008.
<b><i>BUSINESS LICENSING &amp; REGULATION</i></b>		
HB 1053	Hudgins	<b><i>Alternative fuel at retail fuel stations.</i></b> Declares any provision of a franchise that prohibits a motor fuel retailer from purchasing or selling an alternative fuel to be null and void if the refiner does not supply alternative motor fuel to the retailer; and prohibits a refiner from threatening, harassing, or coercing a motor fuel retailer to refrain from purchasing or selling alternative motor fuel from another source.
HB 1058	Hudgins	<b><i>Nonhazardous fuel at retail fuel stations.</i></b> Prohibits a refiner from preventing certain motor fuel retailers from offering nonhazardous motor fuels for sale; prohibits a refiner from discriminating against certain motor fuel retailers who offer nonhazardous motor fuels for sale; and establishes a civil penalty for violations.

BILL NO.	SPONSOR	SUMMARY
HB 1059	Hudgins	<b>Alternative fuel at retail fuel stations.</b> Prohibits a refiner from preventing certain motor fuel retailers from offering specific alternative fuels for sale; prohibits a refiner from discriminating against certain motor fuel retailers who offer specific alternative fuels for sale; and establishes a civil penalty for violations.
HB 1063	Hudgins	<b>Security guards -- definition.</b> Defines "private security guard" as an individual whose duties include the protection of people or property; and defines "guest services or crowd management" for the purposes of an existing exception to the security guard licensing requirements.
HB 1184	Williams	<b>Land surveyors.</b> Modifies the scope of practice; and requires state agencies to use land surveyors when conducting reviews or approvals of survey data or other specified work.
HB 1318	Hunt	<b>Soil scientists.</b> Establishes licensing requirements for soil scientists; and provides standards of professional conduct and disciplinary procedures for soil scientists.
HB 1575	Conway	<b>Boxing, mixed martial arts, and wrestling events.</b> Changes payment structure to provide for an event "fee" set by rule rather than a 5% "tax" on gross; provides fee for sale of motion picture or similar rights; requires medical insurance for kickboxing and mixed martial arts promoters, in addition to boxing promoters; specifies that proof of insurance for all events must be filed 72 hours before the event; gives an event physician authority to stop any bout (as opposed to the entire event); requires a promoter to have a paramedic unit with transport and resuscitation capabilities, rather than just an ambulance; allows breathalyzer tests during an event; allows the Department of Licensing to contract for appointed officials; adds inspector positions; allows participant changes; and makes other changes.
HB 1745	Takko	<b>Hairdresser license.</b> Creates a separate hairdresser license allowing persons to cut hair and also do tasks requiring chemicals such as permanent waving and coloring that require a cosmetologist license under current law.
HB 1822	Simpson	<b>Relating to reduced cigarette ignition propensity.</b> Prohibits sale of cigarettes that do not meet a test standard of no more than 25 percent of a sample exhibiting a full-length burn; establishes penalties.
HB 1894	Chase	<b>Relating to auctioning vessels.</b> Allows auctioneers to auction vessels up to 25 feet long without registering as a vessel dealer. Similar bill (ESSB 5112) enacted.
HB 1958	Williams	<b>Structural engineers and significant structures.</b> Requires an engineer to be registered as a structural engineer to provide structural engineering services for defined significant structures. Similar bill (SSB 5984) enacted.
HB 2037	Williams	<b>Polygraph examiners.</b> Establishes licensing for polygraph examiners; sets up advisory committee.
HB 2243	Quall	<b>Replacement of motor vehicle keys.</b> Requires manufacturers to provide owners information for a replacement key through a locksmith after procedures for verifying identity.
<b>CONSUMER PROTECTION</b>		
HB 1112	Kirby	<b>Motor vehicle non-OEM crash parts.</b> Requires an automotive repair facility to provide notice and obtain consent before using non-original equipment manufacturer (non-OEM) crash parts in the repair of certain motor vehicles; and requires an automotive repair facility to provide a disclosure document if a customer consents to the use of non-OEM crash parts.

BILL NO.	SPONSOR	SUMMARY
HB 1205	Chase	<b>Unsolicited direct mail marketing.</b> Requires the Attorney General to create a do not mail registry; prohibits direct mail marketers from mailing to any consumer on the do not mail registry; and defines direct mail marketer as any person who, for financial profit or commercial purposes in connection with direct mail marketing, mails solicitations for the sale of goods or services to a consumer when the consumer is in this state.
HB 1713	Chase	<b>Prohibiting paper billing fees.</b> Requires entities to provide one paper copy of a customer's regular bill at no additional cost; and makes a violation a consumer protection act violation.
HB 1978	Quall	<b>Ticket service charges.</b> Requires a commercial ticket seller to disclose charges in addition to the face value of an admission ticket in all advertisements and prior to the purchase of a ticket.
<b>EMPLOYMENT</b>		
HB 1608	O'Brien; Criminal Justice Training Commission Request	<b>Polygraph tests.</b> Expands the exception for persons making <u>initial</u> applications for employment with law enforcement and juvenile court services agencies to persons making <u>any</u> applications with such agencies; and creates an exception for persons returning after a 24-month break in service as a fully commissioned law enforcement officer. Identical bill (SB 5635) enacted.
HB 2142	Linville	<b>Workplace bullying.</b> Makes it an unlawful practice to subject an employee to an abusive work environment; establishes affirmative defenses; makes an employer vicariously liable for unlawful practices committed by employees; provides for injunctive relief; caps compensatory damages at \$25,000; and prohibits punitive damages.
HB 2184	Schual-Berke	<b>Safeguarding social security account numbers.</b> Makes certain activities regarding the collection, use, and publication of an SSN a violation of the Consumer Protection Act (e.g., communicating an SSN, printing an SSN on a card or tag needed to access products or services, requiring transmission of an SSN over the Internet, requiring use of an SSN to access a web site, printing an SSN on materials mailed to the individual); makes violations subject to a fine of not more than \$1K for each violation and not more than \$100K for multiple violations.
HJR 4210	Anderson	<b>Equal pay.</b> Proposes an amendment to the Washington Constitution requiring equal wages for equal work and prohibiting discrimination with respect to wages because of sex.
<b>GAMBLING, HORSE RACING &amp; LOTTERY</b>		
HB 1243	Strow	<b>Internet gambling - affirmative defense.</b> Creates an affirmative defense in a prosecution for violation of the internet gambling prohibition that the gambling took place in the defendant's primary residence for recreational purposes.
HB 1257	Condotta	<b>Tribal-state gaming compacts - legislative approval.</b> Requires legislative approval of Class III tribal-state gaming compacts by a resolution approved by 60% of the members of each house.
HB 1477	Conway	<b>House-banked social card games.</b> Limits card rooms to those operating or with an application pending as of January 1, 2007; allows cities/counties to ban all card rooms or zone card rooms; allows a card room in a jurisdiction that decides to ban card rooms to move to another jurisdiction that decides to allow card rooms; and provides for Gambling Commission immunity.

BILL NO.	SPONSOR	SUMMARY
HB 1593	Grant	<b>Nonprofit simulcasts.</b> Allows nonprofit horse racing associations to import one simulcast race of regional or national interest on each live race day. Identical bill (SB 5389) enacted.
HB 2127	Strow	<b>Internet gambling - penalty.</b> Reduces the specific penalty for internet gambling from a class C felony to a misdemeanor for a person who gambles in his or her primary residence for recreational purposes.
<b>LABOR</b>		
HB 1828	Sells	<b>Unionization - aerospace-related tax incentives.</b> Expresses state tax policy that bars persons from claiming aerospace-related tax incentives if they choose to encourage or discourage unionization; and allows taxpayers to file complaints with the Department of Revenue or bring civil actions for appropriate relief.
HB 2387	Sells	<b>Employer communications about political, religious, or labor organization matters.</b> Title only.
HB 2383	Sells	<b>Employer communications about political, religious, or labor organization matters.</b> Makes it unlawful for an employer to require its employees to attend an employer-sponsored meeting or to participate in any communications with the employer, with certain exceptions, if the primary purpose is to communicate the employer's opinion about religious or political matters.
<b>LIQUOR</b>		
HB 1603	Conway	<b>Enforcement of liquor and tobacco laws.</b> Expands the authority of the Liquor Control Board to inspect books and records for enforcement of tobacco and cigarette tax laws and authorizes issuance of subpoenas for production of documents for enforcement of liquor laws and tobacco and cigarette tax laws. Identical provisions (part of SB 5551) enacted.
HB 1594	Springer	<b>Merchandising beer and wine.</b> Permits grocery stores and beer/wine specialty shops to allow employees of distributors to stock, merchandise, and handle beer and wine as long as there is an adult 21 or over on the premises.
HB 2021	Conway	<b>Nightlife license; spirits, beer, and wine density cap.</b> Creates spirits, beer, and wine nightlife license for entities with food service incidental to alcohol service; and reduces density cap on restaurant licenses and then eliminates the cap in 2008. Similar provision to density cap change (part of E2SSB 5859) enacted.
HB 2120	Williams	<b>Retail licensee sales data.</b> Requires sales data information of retail licensees who purchase distilled spirits from the Liquor Control Board or contract stores to be provided to the National Alcohol Beverage Control Association; and allows the information to be used for commercial purposes.
HB 2189	Williams	<b>Sports/entertainment facilities.</b> Allows a liquor manufacturer, importer, or distributor to enter into an arrangement with a sports/entertainment facility licensee or an affiliated business for brand advertising at the licensed facility or promoting events held at the facility. Similar bill (SSB 5721) enacted.
HB 2234	Conway	<b>Central warehousing/Costco decision.</b> Allows independent grocery stores to do central warehousing if the Liquor Control Board allows vertically integrated stores to warehouse as a result of a decision in Costco v. Hoen.

BILL NO.	SPONSOR	SUMMARY
HB 2242	Kenney	<i>Special occasion licenses.</i> Expands list of organizations eligible for a special occasion license to include local wine industry associations. Identical provision (part of E2SSB 5859) enacted.
HB 2299	Williams	<i>Hotel license.</i> Creates a hotel liquor license. Identical provisions (part of E2SSB 5859) enacted.
ESSCR 8407	Kohl-Welles	<i>Addressing liquor laws.</i> Provides for a joint select committee on liquor laws to review the liquor licensing and tied house laws.
<b><i>PUBLIC SECTOR COLLECTIVE BARGAINING</i></b>		
HB 1399	Conway	<i>Institutions of higher education.</i> Modifies which employees of institutions of higher education are exempt from state employee collective bargaining. Related bill (SHB 2361) enacted.
HB 1736	Simpson	<i>State patrol officers.</i> Makes the decision of an arbitration panel binding on the Governor and the Washington state patrol.
HB 1839	Anderson	<i>Disasters.</i> Suspends collective bargaining agreements and rules in the event of a disaster to the extent necessary to restore public utilities and provide emergency services; and defines “disaster” as a condition that results in a declaration of emergency by a county, the governor, or the president.
HB 2042	Chandler	<i>Open meetings and public records.</i> Makes collective bargaining sessions with public employees subject to the open public meeting act; and makes records that reveal an agency’s strategy or position exempt from public disclosure.
HB 2089	Moeller	<i>Unionization - use of state funds.</i> Prohibits employers, providers, and entities receiving state funds to provide long-term care services from using these funds to assist, promote, or deter union organization.
<b><i>UNEMPLOYMENT COMPENSATION</i></b>		
HB 1427	Appleton	<i>Services for educational institutions.</i> Permits educational employees who are not employed in instructional, research, or principal administrative capacities – including school bus drivers – to receive benefits for periods of unemployment between academic terms.
HB 2050	Anderson	<i>Services performed by language translators and interpreters.</i> Excludes services performed by language translators and interpreters through agents and brokers from employment for purposes of unemployment compensation and workers’ compensation.
HB 2276	Kirby	<i>Voluntary quits.</i> Specifies that an individual is not disqualified from benefits for leaving work voluntarily if the employer was not in compliance with the state Minimum Wage Act or if the employer allowed smoking in the employee’s workplace; and specifies that such benefits are charged to the employer’s experience rating account.
<b><i>WAGE AND HOUR</i></b>		
HB 1119	Miloscia	<i>Minimum wage.</i> Changes the inflation rate used to adjust the minimum wage (from the increase in the CPI-W only to the increase in the CPI-W plus the two-year average increase in per capita personal income); and contains a referendum clause.

BILL NO.	SPONSOR	SUMMARY
HB 1542	Sullivan, P.	<b>Business and occupation tax credit for payroll taxes paid on tips.</b> Creates a business and occupation (B&O) tax credit for taxes paid to any state or federal taxing authority by restaurants on account of tip income; and requires that fifty percent of the credit be used for health care benefits, additional wages for non-tip earning employees, or other increased employee benefits.
HB 2406	Simpson	<b>Prevailing wage - port districts and related associations.</b> Requires that prevailing wage rates be paid on all work performed on property owned, leased, or otherwise controlled by port districts or the Washington Public Ports Association, and on all contracts for maintenance of buildings on such property.
<b>WORKER'S COMPENSATION</b>		
HB 1357	Green	<b>Treatment for intractable pain.</b> Provides that, if a treating provider requests, the Department of Labor and Industries (Department) must provide coverage for a trial on an individual worker of an implantable medical device intended to treat chronic intractable pain otherwise approved by the United States Food and Drug Administration and considered standard of care throughout the interventional pain medical community; and provides that, if the treating provider finds individual success after the trial, the Department must authorize coverage for full implantation and follow-up treatment.
HB 1485	Green	<b>Attorneys' fees.</b> Provides that, if a worker appeals a decision denying treatment to the Board of Industrial Insurance Appeals (Board) and the Board overturns the decision or if an employer appeals a decision granting treatment and the Board upholds the decision, the Board must award all fees and costs of litigation paid to the worker.
HB 1499	Green	<b>Minimum benefits.</b> Increases the minimum benefit to 15 percent of the average monthly wage in the state plus an additional \$10 per month if a worker is married and an additional \$10 per month for each child of the worker up to a maximum of five children. Similar bill (ESB 5675) enacted.
HB 1502	Williams	<b>Claim suppression.</b> Prohibits "claim suppression" by employers and increases penalties for claim suppression; defines claim suppression as expressly or repeatedly inducing employees to fail to report injuries, inducing employees to treat injuries in the course of employment as off the job injuries, or otherwise acting to suppress legitimate industrial insurance claims; grants the Department of Labor and Industries (Department) subpoena authority to obtain records from employers, providers or others to investigate complaints; and grants the Department discretionary authority to waive the time limit for filing a workers' compensation claim when claim suppression is substantiated. Similar bill (SSB 5443) enacted.
HB 1504	Conway	<b>Violations - penalty.</b> Amends a statute that currently states that any violation of a rule promulgated by the Department of Labor and Industries is subject to a \$500 penalty; and changes the statute to also state that any violation of the Industrial Insurance Act is subject to a \$500 penalty.
HB 1545	Kirby	<b>Death benefits - law enforcement officers.</b> Allows the surviving spouses of LEOFF plan 1 and plan 2 members to receive industrial insurance death benefits monthly for life regardless of remarriage.

BILL NO.	SPONSOR	SUMMARY
HB 1571	Conway	<b>Loss of earning power and kept-on-salary.</b> Provides that the prior closure of a claim or the receipt of a permanent partial disability award does not affect entitlement to loss of earning power benefits; and provides that if an employer chooses to use kept-on-salary, then holiday pay, vacation pay, sick leave, or other similar benefits are not deemed to be payments by the employer. Similar bill (SSB 5676) enacted.
HB 1709	Condotta	<b>Final settlement agreements.</b> Authorizes the parties to a claim for benefits to enter into a final settlement agreement once the worker has reached maximum medical improvement.
HB 1749	Condotta	<b>Wage simplification.</b> Calculates a worker's monthly wage during an initial payment period by using itemized pay statements and thereafter calculates a worker's monthly wages by averaging the wages earned in the 12 months immediately preceding the injury; includes provisions for calculating wages if a worker is injured less than 30 days after beginning an employment relationship that "both the worker and the employer intend to be continuous and lasting without limit in the foreseeable future and which provides wages, on an annualized basis, of more than 150% of wages earned by the worker in the 12 months before beginning such employment;" sets a flat percentage of 66-2/3 percent for determining benefits; and includes health care in wages unless the employer continues to provide it, through a current or past payment.
HB 1816	Kirby	<b>Social security retirement offset.</b> Repeals the state statute allowing the Department of Labor and Industries to take an offset when a worker is receiving industrial insurance benefits and Social Security retirement benefits.
HB 1877	Conway	<b>Payment for initial visits.</b> Requires the Department of Labor and Industries, in state fund claims, to pay for the initial visit and any initial prescription drugs regardless of whether the claim is allowed. Similar bill (EHB 2105) enacted.
HB 1997	Pearson	<b>Payment for authorized treatment.</b> Requires the Department of Labor and Industries (Department) to pay medical fees for treatment the Department has authorized in writing even if the Department subsequently rejects the claim; and requires the payment to be made, at no cost to the employer, to a provider who has provided authorized treatment.
HB 2233	Condotta	<b>Use of funds.</b> Limits expenditures from the accident fund, the medical aid fund, and the supplemental pension fund to expenditures for purposes related to the payment of benefits or administration of workers' compensation; allows expenditures from the supplemental pension fund to other programs that the Legislature finds are reasonably related to industrial insurance; requires the Department of Labor and Industries to submit annual letters attesting to the uses of funds; and allows a ratepayer or group of ratepayers to bring a lawsuit and recover actual attorneys' fees and an award of triple damages if the court finds that expenditures are not consistent with these requirements.

CHRISTINE O. GREGOIRE  
Governor



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May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 1, Engrossed Substitute House Bill 1833 entitled:

"AN ACT Relating to occupational diseases affecting firefighters."

Engrossed Substitute House Bill 1833 creates a rebuttable presumption that certain heart problems, cancer and infectious diseases are occupational diseases for firefighters that are covered by industrial insurance. I strongly support this law. The legislature's statement of intent in Section 1, however, makes broad generalizations about the incidence of cardiovascular disease. In an effort to avoid the unintended interpretations of broad generalizations, Section 2 of the bill has been carefully crafted to define specific "firefighting activities" that are related to occupational diseases.

For these reasons, I have vetoed Section 1 Engrossed Substitute House Bill 1833.

With the exception of Section 1, Engrossed Substitute House Bill 1833 is approved.

Respectfully submitted,

/s/  
Christine O. Gregoire  
Governor