

Senate Committee Services

Summary of Select 2012 Interim Activities



January 2013



TO: Washington State Senators and Other Interested Persons

FROM: Richard Rodger, Director (786-7401)
Senate Committee Services

SUBJECT: Senate Committee Services Summary of Select 2012 Interim Activities

DATE: January 15, 2013

We are pleased to provide this Summary of Select 2012 Interim Activities for your reference during the 2013 Legislative Session. The report summarizes many of the activities undertaken by the Senate's Standing Committees under the work plan approved by the Facilities & Operations Committee.

I believe that you will find the electronic version of this document to be most useful. The electronic version contains dozens of electronic hotlinks to the Uniform Resource Locator (URL) for bills, task force websites, and interim and final reports related to the interim projects. We will continue to update the electronic version of this document during this legislative session as additional reports or documents may become available. The most recent version can be found at: <http://www.leg.wa.gov/Senate/Committees/Documents/Reports/InterimActivities/2012InterimProjects.pdf>.

Please contact Cheri Randich at 786-7772 or Cheri.Randich@leg.wa.gov if you would like to receive a hard copy of this document.

In addition to the items included in this report, Senate Committee Staff have also worked on numerous other projects, issues, and requests of each member of the Senate. Please feel free to contact individual staff if you need any additional information about any of those projects not included in this report.

We hope that you find this report of great use and look forward to your comments or suggestion on how we may improve upon it. If you have other requests or questions, or need assistance on any issue, please don't hesitate to call on us.

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Senate Agriculture, Water & Rural Economic Development Committee

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TITLE: Providing for Local Water Resource Needs

DESCRIPTION/FINDINGS/OUTCOME: Developing solutions to provide adequate water for a growing population and economy while meeting environmental goals, tribal treaty rights, and obligations under the federal Endangered Species Act has resulted in the initiation of local water resource projects in many areas of the state. The Yakima River Basin Integrated Water Resource Management Plan is proposed to shore up water supplies for existing irrigated lands, restore and reopen fish habitat, and provide for municipal and rural domestic water needs in normal and in critical drought years. In the Columbia Basin, the Department of Ecology, Office of the Columbia River is progressing on both instream flow augmentation projects and to provide surface waters to replace ground waters withdrawn from the declining Odessa Aquifer. In Western Washington basins such as the Skagit and the Dungeness, work has progressed on developing water-budget neutral solutions to accommodate rural water needs while also maintaining and restoring flows needed for salmon. Legislation will be requested to aid several of these efforts. Funding for project implementation is proposed in the budget submitted by the Governor.

Additionally, county governments have been working to develop legislation to address issues resulting from court rulings that impact their responsibilities to align water needed for residential and economic development with legally available water supplies. Also, counties are considering requesting explicit authority to create limited purpose water banks as a mechanism to address local water needs.

REFERENCES: N/A

STAFF CONTACT: Bob Lee

CONTACT NUMBER: 786-7404

Senate Early Learning & K-12 Education Committee

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TITLE: Graduation Rates and Trends

DESCRIPTION/FINDINGS/OUTCOME: National and state reports regarding graduation rates show conflicting characterizations about the rates and trends in Washington State. Committee staff reviewed, compared, and contrasted various reports and provided a summary of efforts to improve graduation rates in Washington.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/EDU/Documents/Graduation%20rates%20and%20trends%20FINAL.pdf>

STAFF CONTACT: Susan Mielke

CONTACT NUMBER: 786-7422

TITLE: Issue Brief: Common State Standards and Assessments

DESCRIPTION/FINDINGS/OUTCOME: Committee staff drafted a one-page Issue Brief on various topics relevant to the Committee's jurisdiction, including state student standards and assessments.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/EDU/Documents/Issuebriefstandardsandassessments.pdf>

STAFF CONTACT: Susan Mielke

CONTACT NUMBER: 786-7422

TITLE: Issue Brief: Minimum Washington State-Level High School Graduation Requirements

DESCRIPTION/FINDINGS/OUTCOME: Committee staff drafted a one-page Issue Brief on various topics relevant to the Committee's jurisdiction, including the minimum State-level high school graduation requirements.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/EDU/Documents/HSGradReqsIssueBrief.pdf>

STAFF CONTACT: Susan Mielke

CONTACT NUMBER: 786-7422

TITLE: Universal Voluntary Preschool

DESCRIPTION/FINDINGS/OUTCOME: Committee staff conducted research regarding universal voluntary preschool efforts in place in other states, including program components and funding mechanisms. The review included studies which have been conducted to determine “effectiveness factors” that distinguish programs which work from those that do not work, in addition to looking at outcome data pertaining to later academic performance, grade repetition, truancy, and dropout information.

REFERENCES: [SB 6449 \(2012\)](#), [2SHB 2448 \(2012\)](#)
<http://www.leg.wa.gov/Senate/Committees/EDU/Documents/UniversalVoluntaryPreschool.pdf>

STAFF CONTACT: Lidia Mori

CONTACT NUMBER: 786-7400

Senate Economic Development, Trade & Innovation Committee

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TITLE: Identifying Best Practices for Collaborative Public/Private Sector Trade Assistance

DESCRIPTION/FINDINGS/OUTCOME: The Washington State Export Initiative, whose goal is to increase exports by 30 percent in five years, began in 2010 as a response to the National Export Initiative to double exports in the same time frame. In the 2011 legislative session, the state enacted various measures directed to meet this objective through trade promotion, training, and direct assistance to small and medium sized businesses (SMEs). The Community Economic Revitalization Board (CERB) received \$3 million in state funding which the board awarded in the form of grants to various organizations to develop trade specific services for Washington State SMEs. Due to budgetary restraints, there is increased interest in collaborating with private sector organizations to provide greater trade assistance to SMEs.

Staff worked with trade organizations to identify the organizations and programs involved in international trade and best practices for government trade assistance services. Staff assisted the trade organizations in preparing a report regarding the findings of this research including proposed legislation.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/EDTI/Documents/InternationalCompetitivenessStrategy.pdf>

STAFF CONTACT: Edward Redmond

CONTACT NUMBER: 786-7471

TITLE: Options for Supporting Manufacturing

DESCRIPTION/FINDINGS/OUTCOME: Manufacturing matters to the state's economy for a number of reasons:

- Manufacturing jobs tend to be high-productivity, high value -added jobs with good pay and benefits.
- Manufacturing has the highest multiplier effect of all sectors of the economy, thus, growth in manufacturing creates jobs and investment in non-manufacturing sectors.
- Manufacturing is the major source of commercial innovation. Manufacturers employ the majority of scientists and engineers and 68 percent of business research and development spending takes place in manufacturing firms.
- When domestic demand is low, globally competitive manufactured goods can grow the economy through export sales.

Committee staff reviewed Washington and other state programs supporting manufacturing and prepared a report with options for legislative consideration.

REFERENCES: [SB 5764 \(2011\)](#), [SB 6675 \(2010\)](#), [SB 5808 \(2011\)](#)
<http://www.leg.wa.gov/Senate/Committees/EDTI/Documents/SupportingManufacturing.pdf>

STAFF CONTACT: Jack Brummel

CONTACT NUMBER: 786-7428

Senate Energy, Natural Resources & Marine Waters Committee

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TITLE: Derelict Vessel Prevention & Removal

DESCRIPTION/FINDINGS/OUTCOME: In 2002, the Legislature established what has become known as the Derelict Vessel Removal Program (DVRP), which is administrated by the Department of Natural Resources (DNR). Under this program, certain state agencies and local governments have the authority to take custody and dispose of abandoned or derelict vessels within their jurisdiction. Agencies removing a vessel can seek reimbursement of up to 90 percent of their costs from DNR, which is generally paid using revenue from a dedicated vessel registration surcharge. There are currently more than 200 vessels on the DVRP's list of vessels to be removed.

The sinking of a vessel, The Deep Sea, in the spring of 2012 resulted in analysis and discussion of potential steps to avoid similar occurrences in the future as well as other ways to improve the DVRP. Staff monitored stakeholder and agency discussions and provided information, support, and drafting services to members as requested.

REFERENCES: N/A

STAFF CONTACT: Curt Gavigan

CONTACT NUMBER: 786-7437

TITLE: Fuel Mix Reports

DESCRIPTION/FINDINGS/OUTCOME: Motivated by federal and state initiatives for restructuring the electrical industry, the governors of Idaho, Montana, Oregon, and Washington convened a comprehensive review of the northwest energy system in 1995. A report was issued in December 1996 recommending, among other things, that standardized information about the environmental characteristics of an electric utility's resource portfolio should be available to consumers. This information was intended in part to facilitate the efficient and fair operation of a competitive retail electricity market.

A legislative effort to deregulate the retail electric industry in Washington failed in 1997 (ESSB 6006). However, on December 1, 1998, the Washington Utilities and Transportation Commission (WUTC) and the Washington State Auditor issued a report, that examined, among other things, standardized formats for disclosing fuel mix, air emissions, and other environmental impacts to electricity consumers (E2SHB 2831). And on December 31, 1998, the WUTC and the Department of Community, Trade & Economic Development (CTED) issued a report that, among other things, briefly explored the strategy of using fuel mix disclosures to promote renewable resources (ESSB 6560).

In 2000, legislation passed requiring retail electric utilities to provide their customers with information on the fuel sources used to generate the utility's electricity (EHB 2565). The law does not require the disclosure of air emissions and prohibits a utility from claiming in its disclosure report "any environmental quality or environmental impact qualifier" related to any

disclosed resource (RCW 19.29A.060(4)). A January 2004 report by CTED recommended, among other things, that air emissions data for each utility be included in a utility's fuel mix report.

The Department of Ecology currently uses the fuel mix reports to calculate greenhouse gas emissions for the electricity sector.

REFERENCES: [SHB 1712 \(2011\)](#); [SSB 5431 \(2011\)](#); [SSB 5510 \(2011\)](#); [SB 5809 \(2011\)](#); and [SHB 2783 \(2012\)](#)

STAFF CONTACT: William Bridges

CONTACT NUMBER: 786-7416

TITLE: Interconnection Standards

DESCRIPTION/FINDINGS/OUTCOME: The Washington Utilities and Transportation Commission (WUTC) held a stakeholder workshop in March 2012 to discuss revising the regulatory standards for interconnecting small electric generators in the service territories of investor-owned utilities. During the workshop, wide support was expressed for collaborative discussions proposed by the Washington Public Utility District Association (WPUDA), the Washington Rural Electric Cooperative Association, and the Association of Washington Cities. An Interconnection Standards Workgroup (Workgroup) was formed, chaired jointly by representatives of WPUDA, Puget Sound Energy, Inland Power and Light Company, and the Interstate Renewable Energy Council. The Workgroup filed a report and set of model rules with the WUTC in July 2012. Among other things, the report focused on disconnect-switches, insurance requirements for non-net metered facilities, and options for streamlining the application process for interconnections.

Using the Workgroup's model rules, the WUTC developed a set of draft rules, which were distributed to stakeholders on November 21, 2012. Stakeholder comments must be filed with the WUTC by December 21, 2012.

REFERENCES: <http://www.utc.wa.gov/docs/Pages/InterconnectionRulemaking.aspx>

STAFF CONTACT: William Bridges

CONTACT NUMBER: 786-7416

TITLE: State Park Funding & Operations

DESCRIPTION/FINDINGS/OUTCOME: Between 2001 and 2011, the Legislature has taken a number of policy and fiscal actions related to the funding of the State Parks and Recreation Commission (State Parks). These include, at various times, the use of funding mechanisms including parking fees, a voluntary donation program, and various fund transfers for the support of State Parks.

In 2011, the Legislature created the Discover Pass and generally required purchase of an annual or daily pass for vehicle access to state recreation lands, including State Parks. In addition to appropriating anticipated Discover Pass revenue, the 2011 Operating Budget provided transition funding from the State General Fund to assist State Parks move towards the goal of becoming a self-supporting agency. In a 2012 report, the State of State Parks, the

agency concludes that becoming fully self-supporting is not sustainable and expresses the intent to seek approximately \$27 million in State General Fund support for the 2013-15 biennium in order to avoid significant service reductions.

Staff monitored the planning process underlying the State of State Parks report, analyzed State Parks funding and related policy changes over the last decade, and provided information, support, and drafting services to members as requested.

REFERENCES: [3ESHB 2127 Sec. 303.1 \(2012\)](#)
[http://www.parks.wa.gov/Beyond2013/01State%20of%20State%20Parks%20-%20OFM%20report%20FINAL%20\(8-13-12\).pdf](http://www.parks.wa.gov/Beyond2013/01State%20of%20State%20Parks%20-%20OFM%20report%20FINAL%20(8-13-12).pdf)

STAFF CONTACT: Curt Gavigan

CONTACT NUMBER: 786-7437

Senate Environment Committee

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TITLE: Product Stewardship Programs

DESCRIPTION/FINDINGS/OUTCOME: Staff reviewed other states' statutes, regulations, and proposed legislation, Canada's product stewardship framework, the Association of State and Territorial Solid Waste Management Officials and independent organizations' product stewardship framework models. The framework proposals and models have common themes and goals, consistent elements for roles and responsibilities for manufacturers, government, and consumers, and similar requirements for product stewardship programs.

While several states, including Washington, have enacted product stewardship programs for specific products, none have passed legislation for an overarching framework to guide product stewardship programs and include new products.

REFERENCES: [SSB 6145 \(2012\)](#), [SB 6148 \(2012\)](#), [SSB 6341 \(2012\)](#)

STAFF CONTACT: Jan Odano

CONTACT NUMBER: 786-7486

TITLE: State Environmental Policy Act (SEPA) Rule Making Process

DESCRIPTION/FINDINGS/OUTCOME: The SEPA rule making process was performed as mandated by the legislation. This process generated significant public interest and constituent feedback, specifically on issues including categorical exemptions, non-project review and notification requirements.

Staff monitored the rule making process which did not result in requests for further legislation given the progress made by the advisory committee during the interim.

REFERENCES: [SB 6130 \(2012\)](#), [E2SHB 2253 \(2012\)](#), [ESSB 6406 - SEC. 301- 312 \(2012\)](#)

STAFF CONTACT: Diane Smith

CONTACT NUMBER: 786-7410

Senate Financial Institutions, Housing & Insurance Committee

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TITLE: Residential Foreclosure

DESCRIPTION/FINDINGS/OUTCOME: Staff monitored foreclosure issues on the local, state, and national level. Staff monitored a portion of the Attorney General's National Mortgage Settlement as it related to funding foreclosure prevention and related efforts. As directed, staff attended meetings hosted by the Washington State Housing Finance Commission and the Affordable Housing Advisory Board. Additionally, staff facilitated stakeholder meetings to discuss various issues related to the Deed of Trust Act.

As directed by members, foreclosure-related legislation may be forthcoming.

REFERENCES: [ESHB 2614 \(2012\)](#), [SSB 6070 \(2012\)](#), [2SHB 1362 \(2011\)](#)

STAFF CONTACT: Alison Mendiola

CONTACT NUMBER: 786-7483

TITLE: Exchange Facilitators

DESCRIPTION/FINDINGS/OUTCOME: A tax-deferred exchange is a method by which a property owner trades one or more relinquished properties for one or more like-kind replacement properties. The Internal Revenue Code 26 U.S.C 1031 requires the use of an exchange facilitator or qualified intermediary to hold proceeds from the sale of the original property until those funds are applied to the purchase of the replacement property in order to receive a tax deferral on the exchange. During the 2012 legislative session, SSB 6295 passed which modifies certain exchange facilitator requirements and enacts additional penalties. The bill also contains a provision requiring the development of a stakeholder taskforce to identify effective regulatory procedures for the exchange facilitator industry and to provide specific recommendations to the Legislature by December 1, 2012.

Staff attended and facilitated the stakeholder taskforce meetings over the interim. Staff also prepared a report summarizing the taskforce recommendations and drafted proposed legislation.

REFERENCES: [SSB 6295 \(2012\)](#)
<http://www.leg.wa.gov/Senate/Committees/FIHI/Documents/ExchangeFacilitatorTaskforceLegislativeReport.pdf>

STAFF CONTACT: Edward Redmond

CONTACT NUMBER: 786-7471

Senate Government Operations, Tribal Relations & Elections Committee

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TITLE: Procurement Reform

DESCRIPTION/FINDINGS/OUTCOME: In 2012, the Legislature passed 2SHB 2452 to consolidate procurement laws under the Department of Enterprise Services (DES). These changes took effect January 1, 2013. DES is now authorized to contract for all goods and services. DES worked with customer agencies, vendors, and other interested parties to develop new procurement guidelines, policies, and rules. DES established policy recommendations on sole source contracts; emergency contracts; direct buy purchases; and protest and complaint.

Additionally, DES plans to finalize and publish draft rules for vendor debarment; publish a template for the request for additional or unlimited delegated authority for agency specific or unique commodities and services; and publish a risk questionnaire for state agencies.

Committee staff monitored agency meetings and rule development on the implementation of 2SHB 2452 and the ongoing procurement reform effort. Throughout 2013, several state agencies will be leading a procurement risk assessment by participating in the Procurement Risk Assessment Pilot Project. At the end of the year, DES and the participating state agencies will issue a report on the pilot, including an assessment of recommended changes. Committee staff will continue to monitor this procurement reform effort.

REFERENCES: [2SHB 2452 \(2012\)](#), [ESSB 5931 \(2011\)](#)

STAFF CONTACT: Karen Epps

CONTACT NUMBER: 786-7424

TITLE: Joint Select Committee on Junior Taxing Districts, Municipal Corporations, and Local Government Finance

DESCRIPTION/FINDINGS/OUTCOME: The Joint Select Committee (JSC), four Senators and four Representatives, was created and funded in the 2012 supplemental budget. It met nine times over the interim to (1) review special purpose districts to evaluate whether they should be consolidated into counties, cities, or towns; (2) examine new local government revenue options; (3) review the impact of Initiative 1183 (privatizing liquor sales, approved in 2011) on public safety needs; and (4) provide a sustainable plan for use and disbursement of liquor tax revenue.

After receiving input from special purpose districts, county and city governments, state agencies, and the public, the JSC recommended (1) restoring disbursement of liquor tax revenue to local governments that is currently diverted pursuant to 2012 legislation, and restoring a pre-Initiative 1183 distribution formula that factors increases in sales; and (2) making no changes to laws regarding community municipal corporations (special purpose districts governed by community councils).

Committee staff worked with House staff to support JSC members and provide analysis, [available on the Legislature's website](#). The JSC remains in existence until the FY 2011-13 budget expires on June 30, 2013. Additional activity is anticipated before that date.

REFERENCES: [3ESHB 2127 \(2012\)](#), [EHB 2602 \(2012\)](#)

STAFF CONTACT: Sam Thompson

CONTACT NUMBER: 786-7413

TITLE: The Public Records Exemption and Accountability Committee (Sunshine Committee)

DESCRIPTION/FINDINGS/OUTCOME: The 13-member committee was created in 2007 to review all public records exemptions and make annual recommendations to the Legislature on whether to maintain, modify, or terminate each exemption. The Sunshine Committee held meetings in May, August, and October of 2012.

In 2012, the Sunshine Committee reviewed and initiated a review of four public records exemptions:

1. RCW 42.56.230(2) – disclosure of public employee information
2. RCW 42.56.240(1) – specific intelligence information and investigative records
3. RCW 42.56.240(2) – identities of victims of crime, witnesses, or complainants
4. RCW 42.56.240(3) – records of sex offenses

The committee recommends the Legislature adopt three different legislative bills which reflect separate recommendations:

1. Select Committee recommendations contained in sections 2, 4, 5, 7, and 8 of 2nd Substitute Senate Bill 5049.
2. The Committee's 2010 guardian ad litem recommendation contained in section 1 of 2nd Substitute Senate Bill 5049.
3. The Committee's 2011 recommendations – Statewide Gang Database; Child victims of Sexual Assault; Medical Closed Claim Reporting contained in sections 3, and 6 of 2nd Substitute Senate Bill 5049.

REFERENCES: [SSB 5435 \(2007\)](#), [SB 5294 \(2008\)](#), [SB 5295 \(2008\)](#), [SSB 5049 \(2010\)](#)
<http://www.atg.wa.gov/opengovernment/sunshine.aspx>

STAFF CONTACT: Karen Epps
Sharon Swanson

CONTACT NUMBER: 786-7424
786-7447

Senate Health & Long-Term Care Committee

2012 Summary of Select Interim Activities

TITLE: Developmental Disability Service System Task Force

DESCRIPTION/FINDINGS/OUTCOME: In 2011 the Legislature established the Developmental Disability Service System Task Force. The Task Force consists of members of the Legislature as well as stakeholders from the developmental disabilities and residential habilitation centers communities. The Task Force is directed to issue recommendations on developing a system of services for persons with developmental disabilities, the state's long-term needs for Residential Habilitation Center (RHC) capacity, a plan for consolidating institutional capacity, mechanisms for using savings from downsizing RHCs to create community-based services, use of surplus property, and strategies for reframing the mission of the Yakima Valley School. Recommendations must be reported to the Legislature by December 1, 2012.

During the 2012 interim, the Task Force held five meetings to collect information relating to its legislative charge. At its final meeting, the Task Force agreed to a list of recommendations for inclusion in its report to the Legislature which may be found at the Task Force's website. The recommendations are as follows:

1. Open all RHCs to receive new clients. Remove the names of the RHCs from statute. Any proposed closure of an RHC must be approved by the Legislature. Cap the number of RHC residents at 900. This cap is not necessarily intended to increase the number of residents at an RHC, but is to reflect respite services.
2. Continue to provide respite in RHCs. Continue the commitment to provide and further develop respite care in the community and keep flexibility to allow clients to access services where they choose.
3. Direct the Department of Social and Health Services to begin assessing the 14,000 clients on the No Paid Services Caseload. Give DSHS authority to prioritize which clients will be assessed first. Increase Basic Plus waiver capacity incrementally per biennium as funding allows. DSHS is to perform assessments within funds made available for this.
4. Modify the Dan Thompson Trust to allow the proceeds from the sale of RHC property to go to the trust. Ensure that Francis Haddon Morgan property is included in the trust language.
5. (a) Ensure that persons transitioning to the community are provided the level of care that meets the individual's assessed need. Establish a right of return.
(b) Provide DSHS with authority to investigate all allegations of abuse and neglect in a timely, transparent, and thorough manner so that all persons are held accountable.
6. Request the Legislature to reconvene the Task Force at the end of the legislative session to review and continue to work on developing a system of services.

REFERENCES: [2SSB 5459 \(2011\)](#)
<http://leg.wa.gov/JointCommittees/DDSSTF/Pages/default.aspx>

STAFF CONTACT: Kathy Buchli

CONTACT NUMBER: 786-7488

TITLE: Pharmacy Benefits Managers

DESCRIPTION/FINDINGS/OUTCOME: Pharmacy benefits managers acquire prescription drugs for public and private entities and perform administrative services related to pharmacy benefits. These services may include mail order pharmacy, claims processing, payment of claims, formulary development, rebate contracting, and disease management activities. During the 2012 legislative session, the Health & Long-Term Care Committee heard SB 6096 which would regulate the business practices of pharmacy benefits managers. The Committee deferred action on the bill in order to study the issue and meet with relevant stakeholders during the 2012 interim. Accordingly, a series of stakeholder meetings were held to gather information on pharmacy benefits managers and to discuss ways to regulate these businesses and their business practices.

Discussions on pharmacy benefits managers are ongoing and will focus on auditing practices.

REFERENCES: [SB 6096 \(2012\)](#)

STAFF CONTACT: Kathy Buchli

CONTACT NUMBER: 786-7488

TITLE: Joint Select Committee on Health Reform Implementation

DESCRIPTION/FINDINGS/OUTCOME: The Joint Select Committee (JSC) on Health Reform Implementation was first created by the Legislature in 2010 to provide a forum for public comment and advice on the implementation of the federal Patient Protection and Affordable Care Act. The Joint Committee was continued through the 2012 interim and held several meetings to review the Supreme Court ruling on the Affordable Care Act, and to explore developing issues including in-depth discussions on Medicaid Expansion, the federal Basic Health Option, the Health Benefit Exchange, the essential health benefits categories and benchmark plan, and the reinsurance and risk adjustment programs. Meeting materials are available on the Joint Committee website.

On-going discussion on several areas is anticipated during the 2013 Legislative Session, including Medicaid Expansion, the Exchange financing options, and modifications to the Washington State Health Insurance Pool.

REFERENCES: [ESHCR 4404 \(2011\)](#)
<http://www.leg.wa.gov/JointCommittees/HRI/Pages/default.aspx>

STAFF CONTACT: Mich'l Needham

CONTACT NUMBER: 786-7442

TITLE: K-12 Employee Benefits

DESCRIPTION/FINDINGS/OUTCOME:

Committee staff initiated cross-agency discussion and participated in the interagency workgroup to assist with implementation of legislative requirements. Legislation required a number of changes to school district benefit offerings, with a July effective date, which created an immediate need to develop a communication plan with school district officials. The workgroup met weekly initially and included representatives from the Office of the Superintendent of Public Instruction (OSPI), the Office of the Insurance Commissioner (OIC), the Health Care Authority

(HCA), the Governor's Executive Policy Office, the Office of Financial Management, and a variety of House and Senate caucus and committee staff. The OSPI spearheaded meetings, organized a web-conference with all school district business officials, and developed a web page with weekly updates on implementation guidance, posted on the OSPI site under "Frequently Asked Questions".

The OIC issued a contract for a consultant to manage the data collection efforts required in the legislation, issued draft rules on data reporting requirements, and held a public hearing on the proposed rules on December 27, 2012. Additional modifications to the draft rules are anticipated this winter, with data collection efforts anticipated for spring. The legislation requires several reports to the Legislature, including annual reports from the OIC beginning December 2013, and additional reports from the HCA and the Joint Legislative Audit and Review Committee.

REFERENCES: [ESSB 5940 \(2012\)](#)

STAFF CONTACT: Mich'l Needham

CONTACT NUMBER: 786-7442

Senate Higher Education & Workforce Development Committee

2012 Summary of Select Interim Activities

TITLE: Student Achievement Council

DESCRIPTION/FINDINGS/OUTCOME: During the 2012 session, the Legislature passed E2SHB 2483. The legislation created the nine-member Student Achievement Council, which provides focus and goals for the state's higher education system. One of the Council's specific duties is to develop a strategic action plan every two years starting December 1, 2012.

Committee staff monitored the creation of the Council and attended meetings relevant to the adoption of the strategic action plan.

REFERENCES: [E2SHB 2483 \(2012\)](#)

STAFF CONTACT: Kim Cushing

CONTACT NUMBER: 786-7421

TITLE: For-Profit Institutions of Higher Education

DESCRIPTION/FINDINGS/OUTCOME: Committee staff reviewed the criteria by which for-profit institutions of higher education (for-profits) are authorized to operate in Washington; researched for-profit operations, degrees and courses, graduation rates, tuition rates, loan repayment rates, student populations, loan debt to earnings ratios, availability of remediation classes, and access to Washington State Need Grant funds; compared and contrasted for-profit programs with community colleges and other education programs; reviewed for-profit financial aid and loans; researched for-profit veteran student recruitment and general advertising; reviewed for-profit graduates' fields of study; analyzed other federal law and investigations that impact for-profits; and conducted for-profit site visits. Staff summarized the research and analysis in a report.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/HEWD/Documents/ForProfitsHigherEd.pdf>

STAFF CONTACT: Katherine Taylor

CONTACT NUMBER: 786-7434

Senate Human Services & Corrections Committee

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TITLE: Domestic Violence Protection Order Work Group

DESCRIPTION/FINDINGS/OUTCOME: The purpose of this work group was to assemble a group containing diverse opinions to determine whether consensus could be found regarding proposals for adoption of standards for courts to use in deciding whether to issue a temporary or permanent domestic violence civil protection order. The work group participated in two meetings and an online survey and considered ten policy proposals, but was unable to reach consensus on any of the proposals.

REFERENCES: [SHB 1565 \(2011\)](#); [SB 6511 \(2012\)](#)

STAFF CONTACT: Kevin Black

CONTACT NUMBER: 786-7747

TITLE: Commitment of Sexually Violent Predators

DESCRIPTION/FINDINGS/OUTCOME: The 2011 Legislature directed the Washington State Institute for Public Policy (Institute) to forecast the Special Commitment Center population and examine the procedures and experiences associated with residents' release from the facility. Staff monitored the Institute's progress and provided input on the Institute's survey of courts, defense, and prosecutors; observation of the Senior Clinical Team; discussion with the Joint Forensic Unit; and the Institute's release of updated population projections. The draft report is currently out for review with a final report expected to be released shortly. Staff monitored implementation of indigent defense legal services by the Office of Public Defense and provided an interim report to interested Senators.

REFERENCES: [3ESHB 2127 \(2011\)](#); [SSB 6493 \(2012\)](#)

STAFF CONTACT: Shani Bauer

CONTACT NUMBER: 786-7468

TITLE: Monitor Implementation of Child Welfare Reforms

DESCRIPTION/FINDINGS/OUTCOME: Staff closely monitored the implementation of the bills passed during the 2012 legislative session. As of this writing, the Children's Administration (CA) within DSHS released its Family Assessment Response Implementation Report setting forth the design and implementation plan on December 31, 2012. Full implementation of ESSB 6555 does not occur until December 1, 2013. CA was awarded a Title IVE waiver from the federal government in October 2012, in main part because of the passage of ESSB 6555.

CA was to have issued its RFP on December 31, 2012, to begin implementation of performance-based contracts under E2SHB 2264. According to a recent communication from the Office of Financial Management, the RFP will probably not be issued until January 15, 2013.

SHB 2263 requires CA, in collaboration with the Office of Financial Management (OFM) and the Caseload Forecast Council, to develop a methodology for calculating state foster care savings for deposit into a specially created account for the 2013-15 biennium. CA must report to the Legislature by December 1, 2012, and the methodology is deemed approved unless the Legislature enacts legislation to modify or reject it. The report was issued on December 1, 2012.

REFERENCES: [ESSB 6555 \(2012\)](#); [E2SHB 2264 \(2012\)](#); [SHB 2263 \(2012\)](#)

STAFF CONTACT: Jennifer Strus

CONTACT NUMBER: 786-7316

TITLE: Public Availability of Non-Conviction Data

DESCRIPTION/FINDINGS/OUTCOME: The Committee heard SSB 5019 during the 2011 and 2012 legislative sessions. The bill dealt with the public dissemination of non-conviction data and, as drafted, met with considerable resistance. A workgroup was formed, comprised of stakeholders to review and recommend solutions to the issues surrounding the public availability of non-conviction data. Staff provided support to the workgroup. The workgroup developed several recommendations but was unable to come to a consensus.

REFERENCES: [SSB 5019 \(2011\)](#)

STAFF CONTACT: Shani Bauer

CONTACT NUMBER: 786-7468

TITLE: Legislative-Executive WorkFirst Oversight Task Force

DESCRIPTION/FINDINGS/OUTCOME: The Task Force met three times during the interim and received information from the Department of Social and Health Services (DSHS) and other stakeholders on the department's progress in implementing WorkFirst redesign activities. The Task Force was staffed by both House and Senate staff as well as staff from DSHS.

REFERENCES: [ESSB 5921 \(2011\)](#)
<http://www.leg.wa.gov/jointcommittees/LEWOTF>

STAFF CONTACT: Jennifer Strus

CONTACT NUMBER: 786-7316

Senate Judiciary Committee

2012 Summary of Select Interim Activities

TITLE: Cell Phone Location Tracking

DESCRIPTION/FINDINGS/OUTCOME: Cell phones register their location with the network several times a minute and this function cannot be turned off while the phone is getting a wireless signal. Some cell phone companies store customers' location data for a period of time. Yet none of the major cell phone providers disclose to their customers the length of time they keep their customers' cell location tracking data. Some Washington law enforcement agencies have gained access to cell phone records for individuals without warrants. Some believe that requiring law enforcement to obtain a warrant before gaining access to cell phone records should be required, especially since the U.S. Supreme Court ruling in *United States v. Jones*, where a majority of the Supreme Court recently concluded that the government conducts a search under the Fourth Amendment when it attaches a GPS device to a car and tracks its movements. Staff has drafted a report on the current state of the law. It has been determined that Washington law enforcement agencies are obtaining warrants before seeking cell phone location data from service providers.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/JUD/Documents/CellPhoneLocationDataMemo.pdf>

STAFF CONTACT: Aldo Melchiori

CONTACT NUMBER: 786-7439

TITLE: Body Cameras and Sound Recordings by Law Enforcement

DESCRIPTION/FINDINGS/OUTCOME: Currently, restrictions and requirements regarding intercepting, recording, or divulging private communication; intercepting private communication; intercepted communication in evidence; and violating the right to privacy do not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel if the sound recordings correspond to video images recorded by video cameras mounted in law enforcement vehicles.

Senate Bill 6066 (2012) provided that law enforcement officers may make sound recordings that correspond to video images recorded by video cameras actually worn by law enforcement officers (in uniform) in addition to those mounted in law enforcement vehicles. A question arose regarding a provision in the current statute that "no sound or video recording may be duplicated and made available to the public by a law enforcement agency until final disposition of any criminal or civil litigation which arises from the event or events which were recorded." It was unclear as to the extent to which this provision could prevent discovery (through the Public Disclosure Act or pretrial discovery) and possible use by an alleged victim of improper law enforcement action.

Staff has compiled information on the issue from other states and has surveyed applicable court decisions. Possible legislation is being considered.

REFERENCES: [SB 6066 \(2012\)](#)

STAFF CONTACT: Jessica Stevenson

CONTACT NUMBER: 786-7476

TITLE: Child Access to Firearms

DESCRIPTION/FINDINGS/OUTCOME: There have been a number of instances in Washington where children have gained access to firearms stored in a manner that allowed the children to take them without the firearm owner's supervision. Approximately half of the states have child access prevention laws that hold adult firearms owners responsible when a child gains access to improperly stored weapons.

There are a number of pending Washington court cases where children were seriously injured or killed by weapons in the possession of firearms. Staff has surveyed and summarized the specific child access prevention laws of other states and also researched how the states without such laws address the issue. Legislation will be drafted as requested.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/JUD/Documents/SummaryOfStateChildAccessPreventionLaws.pdf>

STAFF CONTACT: Aldo Melchiori

CONTACT NUMBER: 786-7439

TITLE: Crime Victim Restitution

DESCRIPTION/FINDINGS/OUTCOME: Restitution is ordered when an offender is convicted of an offense which results in injury, damage, or loss of property, or for the crime of rape, under certain circumstances, unless the court finds that extraordinary circumstances exists which make restitution inappropriate and the court sets forth the circumstances on the record.

Restitution must also be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

Staff drafted a report that contains state and federal statutory provisions that relate to whether and to what extent crime victims are compensated.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/JUD/Documents/RestitutiontLeginWA.pdf>

STAFF CONTACT: Aldo Melchiori

CONTACT NUMBER: 786-7439

Senate Labor, Commerce & Consumer Protection Committee

2012 Summary of Select Interim Activities

TITLE: Workers Compensation Reform

DESCRIPTION/FINDINGS/OUTCOME: In 2011 the Legislature significantly reformed Washington's workers compensation system. Many new programs and policies took effect at the beginning of 2012, including the authority to use claims resolution structured settlement agreements. The committee monitored and received updates on the implementation and use of the 2011 changes.

REFERENCES: [EHB 2123 \(2011\)](#), [SSB 5801 \(2011\)](#)

STAFF CONTACT: Mac Nicholson

CONTACT NUMBER: 786-7445

TITLE: Liquor

DESCRIPTION/FINDINGS/OUTCOME: Implementation of I-1183 continued during the 2012 interim. The Liquor Control Board held a briefing for legislative staff and made a work session presentation to the Committee on November 30th. The presentation included an update of I-1183 implementation including information about issues outstanding to date. The LCB work session presentation is available on the Committee Meeting Documents, http://app.leg.wa.gov/m/cmd/main.htm?cid=lccp#meetings_page.

Committee staff presented a case review of the Washington Supreme Court case, Washington Association for Substance Abuse and Violence Prevention v. Washington, the case which challenged the constitutionality of I-1183. This decision was filed May 31, 2012. The court found that I-1183 met the Washington State Constitution's single subject and subject-in-title rules under article II, section 19, and was therefore constitutional.

REFERENCES: [I-1183 \(2011\)](#)

STAFF CONTACT: Edith Rice

CONTACT NUMBER: 786-7444

TITLE: Collective Bargaining Primer

DESCRIPTION/FINDINGS/OUTCOME: Staff created a collective bargaining primer, which is a summary of state and federal collective bargaining laws. The primer includes information on who is granted collective bargaining rights; what issues are able to be bargained; how the bargaining process works; how bargaining agreements are funded; how bargaining groups are created; and the role of the Public Employment Relations Commissions' (PERC).

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/LCCP/Documents/PrimerCollectiveBargaining.pdf>

STAFF CONTACT: Ingrid Mungia

CONTACT NUMBER: 786-7423

Senate Transportation Committee

2012 Summary of Select Interim Activities

TITLE: Aviation Search and Rescue Study

DESCRIPTION/FINDINGS/OUTCOME: The Legislature directed the Joint Transportation Committee (JTC) to evaluate the most appropriate organization for the aviation search and rescue (ASAR) program to reside in. The ASAR program is currently operating from the Washington State Department of Transportation (WSDOT). The study addressed where ASAR should be located to provide the maximum benefit for these searches, duplication of services and training, and funding issues.

The overall recommendation was ASAR should remain within WSDOT, where it functions well. WSDOT could improve the program by additional cross-training of staff to lead air searches, and by making the program more transparent to its volunteer community. WSDOT and the Civil Air Patrol should coordinate their training and make an effort to conduct training in Eastern Washington. All general aviation agencies and organizations can contribute to general aviation safety by encouraging pilots to file flight plans and use emergency locator beacons.

REFERENCES: [ESHB 2190 - SEC. 204 \(5\)](#)
<http://www.leg.wa.gov/JTC/Pages/AviationSearchRescue.aspx>

STAFF CONTACT: Hayley Gamble

CONTACT NUMBER: 786-7452

TITLE: REAL ID Act Compliance

DESCRIPTION/FINDINGS/OUTCOME: The REAL ID Act of 2005 (Act) prohibits Federal agencies from accepting a driver's license or personal identification card issued by a U.S. State for any official purpose (e.g., commercial air travel) unless the license or card has been issued by a state that meets the requirements set forth in the Act. The Department of Homeland Security (DHS) extended the full compliance date a number of times since the Act passed. The current deadline is January 15, 2013.

On July 25, 2012, Committee staff coordinated a presentation by the Department of Licensing (DOL) to the Joint Transportation Committee on Washington's compliance status with the REAL ID Act. During the summer, DHS notified states that they had until October 31 to communicate to DHS how states were compliant with the requirements of the Act. On October 18, DOL submitted a letter to the Department of Homeland Security detailing how the Washington Enhanced Driver License and ID card are REAL ID Act compliant, and argued that Washington should meet the January 2013 deadline set by DHS for compliance. DHS responded in December indicating that Washington was not fully in compliance with the REAL ID Act requirements and that DHS would provide more details on what criteria need to be met in order to reach compliance. Given the number of states that are still not fully compliant, DHS will develop a schedule for the phased enforcement of the Act's statutory prohibitions to ensure that states are treated in a fair manner. DHS expects to publish a schedule by early fall of 2013 and begin implementation at a suitable date thereafter. The DOL is currently reviewing the compliance criteria listed by DHS. It is not clear at this point whether legislation will be

proposed by the Governor's Office and DOL to address the necessary law changes to become fully compliant with the Act.

REFERENCES: N/A

STAFF CONTACT: Kim Johnson

CONTACT NUMBER: 786-7472

TITLE: Toll-Setting Governance Structure for Columbia River Crossing Project

DESCRIPTION/FINDINGS/OUTCOME: In December of 2012, the Washington State Transportation Commission and the Oregon State Transportation Commission entered into an agreement, as authorized last session in ESSB 6445 (CRC tolling authorization bill), regarding the joint setting and adjustment of toll rates for the Columbia River Crossing (CRC) bridge.

ESSB 6445 provided that once the Commissions reach an agreement, the agreement does not become legally enforceable until after the next ensuing Washington legislative session, allowing time for the Legislature to review the agreement and seek statutory changes, if necessary. Therefore, the agreement will become effective 30 days after sine die of the 2013 regular legislative session. The main provisions of the agreement are summarized below:

- The Commissions must appoint a bi-state tolling subcommittee comprised of two members from each Commission to study, review, and recommend toll rates and policies to their respective full Commissions.
- The Subcommittee will recommend (1) toll rates and policies for consideration and approval by each state's full Commission; and (2) modifications to toll rates and policies whenever such additional action is required by each state's full Commission.
- The toll rates shall comply with applicable provisions of state law and the bond covenants of each state and shall generate toll revenues at least sufficient to provide for all costs required under state law. This may include operating and maintenance expenses, bond debt service, coverage requirements, reserve requirements, and other requirements.
- Both states will publish the agreed upon rates and policies in their respective administrative codes.
- Modifications to the agreement: the Commissions agree that this is the "complete" agreement that they have entered into and will contain any future amendments. (This is significant because any future necessary changes would then not be viewed as a "new" agreement that would trigger the delayed effective date as otherwise required under ESSB 6445.)
- Dispute Resolution: In the event that the parties are unable to reach agreement the parties agree to participate in a dispute review board process. However, this process does not apply to the setting of toll rates.

REFERENCES: [ESSB 6445 SEC. 4 \(2012\)](http://www.leg.wa.gov/Senate/Committees/HEWD/Documents/INTERSTATE_TOLLINGAGREEMENT.pdf)
http://www.leg.wa.gov/Senate/Committees/HEWD/Documents/INTERSTATE_TOLLINGAGREEMENT.pdf

STAFF CONTACT: Kim Johnson

CONTACT NUMBER: 786-7472

TITLE: Road Usage Charge Assessment

DESCRIPTION/FINDINGS/OUTCOME: The Transportation Commission in conjunction with the Washington State Department of Transportation is in the process of determining the feasibility of transitioning from the gas tax to a road user assessment system of paying for transportation. To date this effort has included reviewing relevant reports and data related to models of road user assessments and methods of transitioning to a road user assessment system; analyzing the research to identify issues for policy decisions in Washington; making recommendations for the design of system wide trials; and developing a plan to assess public perspectives and educate the public on the current transportation funding system and options for a new system. A draft plan and budget estimate to continue evaluating a road user assessment system was made available to the Governor and the Legislature before the January 1, 2013, due date.

REFERENCES: [ESHB 2190-SEC. 205\(4\) and 214\(1\) \(2011\)](#)

STAFF CONTACT: Amanda Cecil

CONTACT NUMBER: 786-7429

Senate Ways & Means Committee

2012 Summary of Select Interim Activities

TITLE: 2013 Citizen's Guide to the Budget

DESCRIPTION/FINDING/OUTCOME: The Senate Ways & Means Committee and Legislative Evaluation and Accountability Program Committee (LEAP) will publish an updated version of the Citizen's Guide to the Budget for the 2013 legislative session. The guide is published on an annual basis for use by members, legislative staff, and the general public to answer basic questions about the Washington State biennial budget. It is anticipated that the guide will be published the first week of session and will be available with the committee, as well as online.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/WM/>

STAFF CONTACT: Kellee Keegan

CONTACT NUMBER: 786-7715

TITLE: 2013 Citizen's Guide to K-12 Finance

DESCRIPTION/FINDING/OUTCOME: The Ways & Means and Early Learning & K-12 Education Committee updated the Citizen's Guide to K-12 Finance. This document serves as a resource for members, legislative staff, and the general public. The document focuses on frequently asked questions regarding K-12 finance.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/WM/>

STAFF CONTACT: Elise Greef

CONTACT NUMBER: 786-7708

TITLE: 2013 Legislative Guide to Washington State Property Taxes

DESCRIPTION/FINDING/OUTCOME: Committee staff is updating the Legislative Guide to Washington State Property Taxes to reflect recent changes. The changes will be final in the near future. The guide serves as a resource for members, legislative staff, and the general public.

REFERENCES: <http://www.leg.wa.gov/Senate/Committees/WM/>

STAFF CONTACT: Dean Carlson
Juliana Roe

CONTACT NUMBER: 786-7305
786-7438

TITLE: Legislative Advisory Committee to the Guaranteed Education (GET) Committee

DESCRIPTION/FINDING/OUTCOME: The Legislative Advisory Committee is required by law to meet at least once annually to provide advice to the GET Committee and the State Actuary regarding administration of the GET program including, but not limited to, pricing guidelines, the tuition unit price, and the unit payout value. In 2012, the enacted supplemental operating budget included a proviso that directs the advisory committee to review the impact of differential

tuition rates on the funded status and future unit price of the GET program and to make a recommendation by January 2013 to the appropriate policy and fiscal committees of the Legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the GET program. The Legislative Advisory Committee met three times over the 2012 interim to discuss these issues and a final report that includes their recommendations will be submitted to the appropriate committees of the Legislature by January 14, 2013.

REFERENCES: [3ESHB 2127 \(2012\) - RCW 28B.95.170](#)

STAFF CONTACT: Maria Hovde

CONTACT NUMBER: 786-7710

TITLE: 2012 Supplemental Legislative Budget Notes

DESCRIPTION/FINDINGS/OUTCOME: Legislative fiscal staff in the Senate and House worked together with the Legislative Evaluation and Accountability Program Committee staff to publish the Legislative Budget Notes (LBN) in the summer of 2012. The LBN is a publication that represents the official record of legislative action on the omnibus operating, transportation, and capital budgets. It is used by legislators, legislative staff, state agencies, and the general public to determine the legislative intent behind the hundreds of policy changes embedded in the three major documents.

REFERENCES: <http://leap.leg.wa.gov/leap/budget/lbns/2012toc.htm>

STAFF CONTACT: Ways & Means
Committee Staff

CONTACT NUMBER: 786-7715

TITLE: Joint Legislative Task Force on Education Funding

DESCRIPTION/FINDINGS/OUTCOME: House Bill 2824, passed in the 2012 legislative session, created a joint task force on education funding to make recommendations for fully funding K-12 basic education programs, including the requirements of Engrossed Substitute House Bill 2261 and Substitute House Bill 2776 which were enacted in the 2009 and 2010 sessions, respectively.

The JTFEF met eight times between August and December 2012. The group considered a phase-in schedule for funding four program enhancements identified in SHB 2776 (full-day kindergarten; class-size reductions in grades K-3; pupil transportation; and increased allocations for materials, supplies, and operating costs - or MSOC); considered whether and how to phase in other changes in the definition of basic education (the opportunity to earn 24 credits for graduation, and additional instructional hours for grades 7-12); whether to make changes to the bilingual funding formula; whether to recommend additional funding enhancements; and recommendations for funding the resulting spending plan - whether through budget reductions, revenue increases, or a combination. By majority vote, a preferred three-biennium spending plan and list of revenue options were approved. In addition, a minority proposal was offered.

REFERENCES: <http://www.leg.wa.gov/JointCommittees/EFTF/Pages/default.aspx>

STAFF CONTACT: Elise Greef
Susan Mielke

CONTACT NUMBER: 786-7708
786-7422

TITLE: 4 Year Budget Outlook

DESCRIPTION: Beginning with the 2013-2015 biennium, Substitute Senate Bill 6636 requires that budgets at time of passage be projected to be balanced for current and following biennia based on a maintenance level projection. Each November, the Economic and Revenue Forecast Council (ERFC) must submit a budget outlook document for state revenues and expenditures for the General Fund and related funds for the current biennium and the next ensuing biennium. The ERFC must also prepare a budget outlook document for the Governor's proposed budget and for the budget enacted by the Legislature. Legislative fiscal staff participated in the State Budget Outlook Workgroup to produce the first 4-year outlook in November 2012 and will continue to participate in the development of subsequent outlooks.

REFERENCES: <http://www.ercf.wa.gov/forecast/budgetOutlook.shtml>

STAFF CONTACT: Dean Carlson
Bryon Moore

CONTACT NUMBER: 786-7305
786-7726

Additional Electronic Resources

[Senate Website](#)

[Senate Committee Services Website](#)

[2012 Interim Work Plan and Meeting Schedules](#)

[2012 Bills Passed During the 2012 Regular Legislative Session](#)

[2012 Bills Passed During the 2012 Special Legislative Sessions](#)

[TVW Archives](#)