

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

Final Report for 2008

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House of Representatives
State of Washington

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2008 FINAL REPORT
House Commerce & Labor Committee

Summary of Major Legislation

APPRENTICESHIP

Two bills relating to apprenticeship programs were enacted.

The first bill addresses a pilot program for cosmetology apprenticeships that was established in 2003 and extended in 2006. An advisory committee, coordinated by the Washington State Apprenticeship and Training Council, is responsible for coordinating the apprenticeship pilot program and presenting a report to the Legislature. The apprenticeship pilot program is set to expire on July 1, 2008. **SHB 2427** removes the expiration date for the pilot cosmetology apprenticeship program and creates a permanent program.

The second bill addresses unemployment benefits and initial eligibility determinations involving individuals who leave work to enter certain apprenticeship programs. With the enactment of **SSB 6751**, these individuals are considered to have left work for "good cause" and, therefore, are not disqualified from receiving unemployment benefits. (No changes were made, however, to continuing eligibility requirements, such as work search or enrollment in Commissioner-approved training.) Benefits paid to these individuals are not charged to their employers' experience rating accounts. The House companion, **SHB 2967**, died in the House Rules Committee.

BUILDING AND CONSTRUCTION

Underground Economy

Two bills resulted from the interim work of the Joint Legislative Task Force on the Underground Economy in the Construction Industry.

ESSB 6732 addresses penalties, data sharing and detection, enforcement, and education and outreach. The penalty provisions include a new civil penalty for persons who falsify information on a contractor registration application. With respect to education and outreach, the Department of Labor and Industries is directed to conduct a social marketing campaign aimed at consumers regarding the risks of hiring unregistered contractors. Other provisions include a direction to the Washington State Institute for Public Policy to assist with establishing benchmarks to measure the effect of Task Force recommendations. The Task Force will continue its work during the 2008 interim and report again to the Legislature by December 31, 2008. The companion bill, **2SHB 3121**, died in the Senate Rules Committee.

Appropriations are included in the 2008 supplemental operating budget, **ESHB 2687**, to implement the bill. The Governor vetoed a section providing for increased enforcement staff, stating that she was directing the hiring of staff consistent with the appropriation. She also vetoed a section providing for a pilot program for the sharing of building permit information. The full text of the veto message is available at <http://www.governor.wa.gov/billaction/2008/veto/6732.pdf>.

The other underground economy bill, **ESHB 3122**, creates a new test for determining whether persons working in construction are covered workers or uncovered independent contractors for purposes of unemployment and industrial insurance laws. The test is very similar to the six-part test applicable to all industries. In addition, an individual must have a valid contractor registration or electrical license, and the individual's accounts with state agencies must be active and valid, to be an independent contractor in construction.

HVAC/R Contractors and Mechanics

Pursuant to **ESSB 5831**, a legislative task force on the heating, ventilating, air conditioning, and refrigeration industry will be created. As passed by the Senate, the bill would have established a task force. As amended by the House, the bill would have established contractor registration and mechanic certification requirements. (These requirements mirrored the requirements in **2SHB 2966**, which died in the House Rules Committee.) Following a point of order, the President of the Senate ruled that the House amendment was beyond the object of the underlying Senate bill. The Senate then insisted on its position and asked the House for a conference. The House then receded from the original amendment and adopted a new amendment modifying the members and duties of the task force, and the Senate concurred. The task force will report its findings and recommendations to the Legislature by December 1, 2008.

Residential Contractors

The Department of Labor and Industries and the Department of Licensing will conduct a sunrise review of the need for regulation of certain residential contractors pursuant to a pair of budget provisos (Sections 218(21) and 401(5) in **ESHB 2687**). The agencies will report their findings to the appropriate legislative committees by October 1, 2008. A related bill, **2SHB 3349**, died on the Senate Second Reading Calendar.

Public Works

The Committee passed **ESHB 2864**, which would have required contractors for any off-site prefabrication of nonstandard, project-specific items on public works projects to submit certified payroll records to the Department of Labor and Industries and to the awarding agency. As amended by the House, the bill would have required contractors to submit a list of specified information, including the minimum hourly wage in each trade or occupation, rather than certified payroll records. The bill died on the Senate Third Reading Calendar.

Regulatory Program Fees

EHB 3381 authorizes the Department of Labor and Industries to adopt fees to cover costs incurred in enforcing safety standards for factory-assembled structures such as manufactured homes, mobile homes, and conversion vending units. The bill also modifies the Department's fee-setting authority for the prevailing wage and explosives programs. Other fee-related bills were **HB 2941** (explosives program), **SHB 2943** (factory-assembled structure program), and **HB 2942** and **SB 6694** (prevailing wage program). These bills were included within EHB 3381 and did not pass the Legislature.

BUSINESS LICENSING & REGULATION

Bail Bond Agents and Recovery Agents

ESSB 6437 increases the training required for recovery agents and places requirements on recovery agents who make forced entries. In addition, the bill provides immunity for law enforcement officers who are in attendance at or assist with a planned forced entry. Several other changes are made in bail bond agency, agent, and recovery agent provisions. The bill also directs the Department of Licensing to study requiring financial responsibility for bail bond agents and recovery agents and report to the Legislature by January 1, 2009. **SHB 2759**, the House companion bill, died in the House Rules Committee.

Certified Public Accountants (CPAs)

Out-of-state CPAs no longer must give notice and pay a fee to have a practice privilege in Washington as a result of **SSB 6604**. The bill also expands the out-of-state CPAs' automatic consent to the disciplinary authority of the State Board of Accountancy. If certain higher level attest services are performed for an entity with its home office in Washington, the firm must have a Washington license. The Governor vetoed the House companion bill, **SHB 2496**, because it was a duplicate of the Senate bill. The full text of the veto message is <http://www.governor.wa.gov/billaction/2008/veto/2496.pdf>.

Home Inspectors

In November of 2007, the Department of Licensing completed a sunrise review of the home inspector industry. The review recommended licensing of the home inspector profession. **ESSB 6606** establishes the practice of home inspecting and requires home inspectors to be licensed. The bill establishes several exemptions to licensing and does not require licensed home inspectors to be licensed as structural pest inspectors.

Real Estate Brokers

SHB 2778 makes numerous substantive and technical changes to the real estate licensing structure. The bill establishes licenses for real estate brokers, managing brokers, designated brokers, and firms, replacing the existing licenses for real estate salespersons and associate brokers. It also adds exemptions to real estate licensing and increases licensing, educational, and oversight requirements for licensees.

COLLECTIVE BARGAINING

With the enactment of **SHB 2963**, the Legislature made the public employees' collective bargaining law applicable to graduate teaching and research assistants at Washington State University, allowing them to bargain over wages, hours, and working conditions. (Very similar legislation applicable to teaching and research assistants at the University of Washington was enacted in 2002.)

Other bills giving collective bargaining rights to particular workers were not enacted. **E2SHB 2449**, which died in the Senate Rules Committee, would have made the public employees' collective bargaining law applicable to child care center directors and workers. **HB 2672**, which died in the Committee, would have made this law applicable to adult family home caregivers.

EMPLOYMENT

Workplace bullying was addressed by **SHB 2142**, which would make it an unlawful employment practice to subject an employee to an abusive work environment. As introduced, the bill applied to most employers and their employees. As passed by the Committee, the bill applied only to the State of Washington and its employees. An aggrieved state employee could enforce his or her rights by filing a civil action alleging an unfair employment practice, but only after exhausting administrative remedies. The bill died in the House Appropriations Committee.

GAMBLING

The Committee recommended two raffle bills. **HB 2489** would have increased the maximum price of a raffle ticket from \$25 to \$100 and allowed the Gambling Commission to raise the maximum price above \$100. Under **HB 3220**, counties, cities, and towns would have been allowed to conduct raffles as long as the net proceeds were used for community or tourism promotion activities. Both of these bills died on the Senate Second Reading Calendar.

LEAVE

Paid family leave was the focus of a joint legislative task force in 2007, and was the subject of legislation enacted in 2007 and introduced in 2008. Unpaid leave was the subject of two bills enacted in 2008.

Family Leave Insurance

In 2007 the Legislature created the framework for a family leave insurance program. 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.

During the interim, the Joint Legislative Task Force on Family Leave Insurance studied the establishment of the family leave insurance program. The Task Force focused on the following issues: financing for benefits and administrative costs; program implementation and administration; potential government efficiencies; and any impacts on the unemployment compensation system. The Task Force also took up the following issues: coordination of leave and benefits, application of job protection provisions to staffing companies, voluntary plans, and reporting requirements.

In 2008 the Committee considered legislation implementing various Task Force recommendations. **SHB 3305** would have directed the Employment Security Department to administer the family leave insurance program and the Department of Labor and Industries to enforce the job protection provisions. It also would have adopted certain government efficiencies and modified certain unemployment compensation provisions. The bill died in the House Rules Committee. (A similar bill, **HB 2665**, died in the Committee.)

In the 2008 supplemental operating budget, **ESHB 2687**, the Legislature appropriated \$6.2 million from the General Fund-State to the Office of Financial Management for expenditure into the Family Leave Insurance Account, and from the Family Leave Insurance Account to the Employment Security Department for program implementation. See Sections 227 and 720. According to a budget proviso, this amount assumes that, in developing information technology systems, the Employment Security Department will incorporate certain claim filing and benefit payment efficiencies. The Legislature also directed the Department of Labor and Industries to enter into an interagency agreement with the Employment Security Department to expend funds from the Family Leave Insurance Account for program implementation.

Unpaid Leave

SHB 2602 requires employers to provide reasonable leave to employees who are victims of domestic violence, sexual assault, and stalking, or whose family members are victims. The legislation applies to all employees of public and private employers. Employees may take leave to seek legal or law enforcement assistance, obtain treatment or counseling, obtain social services, and take actions to increase safety.

SB 6447 is intended to assure that families of military personnel serving in military conflicts are able to spend time together at critical times. Employees are entitled to up to 15 days of unpaid leave from employment before their spouse is deployed or while their spouse is on leave from deployment. This bill is known as the Military Family Leave Act and is similar to legislation passed in six other states.

LIQUOR

The Committee passed a variety of liquor bills which became law.

A proposal the Committee has considered for several years, grocery store beer and wine tastings, was enacted this session. Under **ESB 5751**, the Liquor Control Board will select 30 stores for a pilot project. Tastings are limited to samples of two ounces or less, up to a total of four ounces, per customer.

Craft distilleries will have a reduced license fee of \$100 (compared to a \$2000 fee for distilleries) and also may exercise additional privileges under **SHB 2959**. A craft distillery produces 20,000 gallons or less of spirits with at least half of the raw materials used in the production grown in Washington. A craft distillery may sell up to two liters of spirits it produces per person per day and may also provide limited samples on its premises.

SSB 6770 expands activities permitted under several types of licenses. Bonded wine warehouses may pack and ship wine orders sent directly to a consumer, create baskets, and perform other activities in addition to storing wine. Wineries may sell their wine by the glass at their off-site tasting rooms. Microbreweries may have two restaurant or tavern licenses, which may be on or off the premises of the microbrewery. Restaurants may sell any wine (not limited to exclusive label wines) for off-premises consumption. The bill makes several other changes.

During the 2008 interim, a joint select committee on beer and wine regulation will be created under **2ESSCR 8407**.

WAGE & HOUR

The Committee considered two bills in response to a Washington State Supreme Court decision holding that truckers hauling agricultural products are exempt from overtime requirements. **HB 2979** is nearly identical to a bill introduced during the 2007 session and 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. **HB 2717** would have added several exemptions to overtime compensation from the federal Fair Labor Standards Act for employees in agriculture, fisheries, and forestry. This bill was heard by the Committee.

WORKERS' COMPENSATION

Under **E2SHB 3139**, injured workers will receive benefits while an appeal is pending unless the Board of Industrial Insurance Appeals grants a stay requested by the employer or the employee requests that benefits cease. The bill also creates a self-insured employer overpayment reimbursement fund, financed by earnings of self-insured workers. If an employer prevails on appeal and is not fully reimbursed for the overpayment of benefits within 24 months of the first attempt at collecting the overpayment through other means, the employer is reimbursed from the fund. The Department of Labor and Industries must study the impacts of the legislation and report to the Workers' Compensation Advisory Committee and the appropriate committees of the Legislature.

Also enacted was **SB 6839**, which addresses state fund industrial insurance coverage for Washington workers who work out-of-state. The bill provides that Washington employers must cover temporary and incidental work, as defined, and gives the Department of Labor and Industries rule-making authority regarding work in excess of temporary and incidental. The House companion, **SHB 3255**, died in the House Rules Committee.

Under **SSB 6246**, workers must be reimbursed for reasonable travel expenses incurred after a claim is closed to alter, repair, replace a permanent mechanical device, such as a prosthesis.

Limitations would have been placed on ex parte contact with medical providers who treated or examined the worker under **SHB 2980**. This bill died in the House Rules Committee.

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Enacted Bills

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>BUILDING AND CONSTRUCTION</i>			
ESSB 5831	Kohl-Welles	HVAC/R - Establishes a joint legislative task force on heating, ventilating, air conditioning, and refrigeration (HVAC/R).	C 254 L 08
ESHB 3122	Conway	Determination of Coverage in Construction - Creates a test for determining whether a construction worker is a covered worker or uncovered independent contractor for purposes of unemployment and industrial insurance laws.	C 102 L 08
2SSB 6732	Kohl-Welles	Recommendations of the Joint Legislative Task Force on the Underground Economy in the Construction Industry - Implements Task Force recommendations regarding penalties, data sharing and detection, enforcement, and education and outreach. Extends the Task Force, with a report due by December 31, 2008.	C 120 L 08 (Partial Veto)
<i>COLLECTIVE BARGAINING</i>			
SHB 2963	Conway	WSU Teaching Assistants and Research Assistants - Makes the public employees' collective bargaining law applicable to graduate teaching assistants and research assistants at Washington State University.	C 203 L 08
SHB 3002	Williams	Washington State Patrol - Provides procedure for selection of interest arbitration panel before bargaining.	C 149 L 08
<i>CONSUMER PROTECTION</i>			
SHB 2661	Green	Self-Service Storage Facility Late Fees - Limits late fees charged to a renter of a self-service storage facility to \$20 or 20 percent of the total rent due, whichever is greater. Requires that all late fees be written in the rental agreement.	C 61 L 08
SHB 2902	Wood	Lemon Law Arbitration Fee - Limits collection of the arbitration fee for the Lemon Law Arbitration Account to sales of motor vehicles that will be registered in Washington.	C 93 L 08
ESHB 2996	Loomis	Aversive Agents in Antifreeze Products - Requires all antifreeze products sold in the state to contain an aversive agent that makes them unpalatable. Limits the liability of those subject to this requirement for damage caused by the inclusion of the aversive agent.	C 68 L 08
2SSB 5642	Kohl-Welles	Cigarette Ignition Propensity - Requires that all cigarettes sold in Washington be reduced ignition strength. Directs the State Director of Fire Protection to approve the testing procedures for cigarettes and report to the Legislature.	C 239 L 08

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>GAMBLING, HORSE RACING, AND LOTTERY</i>			
HB 2792	Wood	Computing Breaks in the Parimutuel System - Changes the "break" for purposes of rounding the payoff in horse racing wagers from exactly 10 cents to no more than 10 cents.	C 24 L 08
<i>LEAVE</i>			
SHB 2602	Kessler	Victims of Domestic Violence, Sexual Assault, or Stalking - Requires employers to provide reasonable leave to employees who are victims of domestic violence, sexual assault, or stalking, or whose family members are victims.	C 286 L 08
SB 6447	Hobbs	Military Family Leave - Provides that, during periods of military conflict, employees are entitled to up to 15 days of unpaid leave before their spouse is deployed or while their spouse is on leave from deployment. Also extends military leaves of absence from 15 to 21 days each year.	C 71 L 08
<i>LICENSING</i>			
SHB 2427	Kenney	Cosmetology Apprenticeship Program - Removes the July 1, 2008, expiration date for the pilot cosmetology apprenticeship program and creates a permanent program. Requires the Department of Licensing to audit and inspect approved apprenticeship programs at least annually.	C 20 L 08
SHB 2778	Conway	Real Estate - Establishes licenses for real estate brokers, managing brokers, designated brokers, and firms, replacing the existing licenses for real estate salespersons and associate brokers. Adds several exemptions to real estate licensing. Increases licensing, educational, and oversight requirements. Makes various technical and clarifying changes.	C 23 L 08
ESSB 6437	Carrell	Bail Bond and Bail Bond Recovery Agents - Increases recovery agent training and mandates additional requirements for forced entries. Provides immunity for law enforcement officers who are in attendance at or assist with a planned forced entry. Requires the Department of Licensing to study requiring financial responsibility for bail bond agents and recovery agents. Makes other changes in the bail bond agency, agent, and recovery agent provisions.	C 105 L 08
SSB 6604	Murray	Out-of-State Certified Public Accountants - Eliminates the notice and fee requirement for out-of-state Certified Public Accountants (CPAs) to have a practice privilege in Washington. Broadens out-of-state CPAs' automatic consent to Washington disciplinary authority. Makes other changes in the Public Accountancy Act.	C 16 L 08
ESSB 6606	Spanel	Home Inspectors - Establishes the practice of home inspecting and requires home inspectors to be licensed. Establishes qualifications, licensing requirements, examinations, and continuing education requirements for home inspectors. Authorizes the Director of the Department of Licensing to adopt rules.	C 119 L 08

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
LIQUOR			
HB 2825	Conway	Alcohol in Nonbeverage Form - Allows persons engaged in medical or dental pursuits, in charge of a hospital or sanitarium, or engaged in mechanical or manufacturing or scientific pursuits, and with a class I or II liquor permit, to obtain spirits directly from a supplier.	C 64 L 08
HB 2949	Linville	Nonappropriated Expenses - Changes certain administrative expenses of the Liquor Control Board related to state liquor stores and warehouses from appropriated to nonappropriated.	C 67 L 08
SHB 2959	Wood	Craft Distilleries - Provides a reduced distiller license fee of \$100 for craft distilleries and defines craft distilleries. Allows a craft distillery to sell up to 2 liters of its spirits per person per day and provide samples limited to 0.5 ounces or less and a total of 2 ounces per person per day.	C 94 L 08
ESB 5751	Kohl-Welles	Wine and Beer Tasting Pilot Project in Grocery Stores - Establishes a pilot project for grocery store tastings of beer and wine.	C 305 L 08
SSB 6572	Spanel	Microbrewery Off-Premises Warehouses - Authorizes microbreweries operating as self-distributors to maintain one off-premise warehouse for the distribution of beer if the warehouse is approved by the Liquor Control Board.	C 248 L 08
SSB 6770	Kohl-Welles	Activities Permitted under Several Licenses - Expands activities permitted under a bonded wine warehouse license to include handling of wine. Allows wineries to sell their wine for on-premises consumption at off-site locations. Allows breweries and microbreweries to have up to two on- or off-premises restaurant or tavern licenses. Allows microbreweries to contract-produce beer for another microbrewer. Allows restaurants to sell any wine for off-premises consumption. Makes other changes to several liquor licenses.	C 41 L 08
2ESSCR 8407	Kohl-Welles	Joint Select Committee - Creates a joint select committee on beer and wine regulation.	S Filed Sec/St
UNEMPLOYMENT COMPENSATION			
SSB 6751	Kohl-Welles	Apprenticeship - Adds entering approved apprenticeship programs to the circumstances that are considered "good cause" for leaving work and, therefore, do not disqualify individuals from receiving unemployment benefits.	C 323 L 08
WAGE AND HOUR			
HB 2699	Moeller	Recodifying RCW 19.48.130 - Moves section requiring disclosure of service charges from the hotels, lodging houses, and restaurants chapter to the Washington Minimum Wage Act.	C 199 L 08

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>WORKERS' COMPENSATION</i>			
SHB 2885	Williams	Coverage for Geoduck Harvesters - Removes workers tending to geoduck divers from industrial insurance provisions.	C 70 L 08
E2SHB 3139	Conway	Benefits on Appeal - Provides for payment of benefits while an appeal is pending. Requires the Department of Labor and Industries to establish procedures for self-insured employers to recoup overpayments from state fund claims. Creates an overpayments reimbursement fund, funded by workers of self-insured employers, for reimbursement of benefits paid by self-insured employers. Requires the Department to study appeals and the impacts of the legislation.	C 280 L 08
SSB 6246	Honeyford	Travel Expenses for Certain Closed Claims - Requires that injured workers be reimbursed for reasonable travel expenses when travel is required in order to repair, replace, or alter a permanent mechanical appliance after closure of the claim.	C 54 L 08
SB 6839	Marr	Coverage for Work Performed Outside Washington - Requires Washington state fund employers to cover workers for temporary and incidental work outside Washington and authorizes the Department of Labor and Industries to adopt rules for work in excess of temporary and incidental.	C 88 L 08

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Other Bills Passed Out of Committee

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>BUILDING AND CONSTRUCTION</i>			
HB 2941	Moeller	Explosives Licensing Fees - Raises the fees for explosives licenses. Specifies that fees are deposited in the accident and medical aid funds. Related House bill (EHB 3381) passed Legislature.	S Rules 2
SHB 2943	Wood	Factory-Assembled Structure Fees - Modifies the Department of Labor and Industries' duties to set fees and adopt rules relating to its administration of certain laws on factory-assembled structures. Related House bill (EHB 3381) passed Legislature.	H Rules R
2SHB 2966	Conway	HVAC/R - Establishes requirements for registration of heating, ventilation, air conditioning, and refrigeration (HVAC/R) contractors, and for certification of HVAC/R mechanics. Directs the Department of Labor and Industries to administer and enforce HVAC/R-related registration and certification requirements. Related Senate bill (ESSB 5831) passed Legislature.	H Rules R
2SHB 3121	Conway	Recommendations of the Joint Legislative Task Force on the Underground Economy in the Construction Industry - Implements recommendations regarding penalties, data sharing and detection, enforcement, and education and outreach. Extends the Task Force, with a report due by December 31, 2008. Similar bill (2SSB 6732) enacted.	S Rules 2
2SHB 3349	Ericks	Residential Contractor Licensing - Requires the Department of Licensing to conduct a sunrise review of the need for regulation of contractors involved in the repair, alteration, or construction of single-family homes. Related budget provisos (Sections 218(21) and 401(5) of ESHB 2687) passed Legislature.	S 2 nd Reading
<i>COLLECTIVE BARGAINING</i>			
E2SHB 2449	Pettigrew	Child Care Center Directors and Workers - Provides for collective bargaining between the Governor and child care center directors and workers under the Public Employees' Collective Bargaining Act.	S Rules 2G
SHB 3332	Conway	Higher Education Employees - Provides a process for the Legislature to act on initial collective bargaining agreements involving bargaining units for which representatives were certified during or after the legislative session.	H Approp

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>CONSUMER PROTECTION</i>			
SHB 2707	Hurst	Secondary Market for Frequent Flier Programs - Directs a work group, staffed by the Office of the Attorney General, to study legal and policy implications of allowing consumers to participate in the secondary market for frequent flier points, miles, or other similar credits. Requires the work group to submit recommendations by November 15, 2008.	H Rules C
HB 2740	Hudgins	Private Cemeteries - Grants limited liability companies the authority to own and operate a cemetery in Washington.	S 2 nd Reading
HB 2894	Campbell	Wood Burning Appliances - Requires questions be added concerning wood burning appliances to the seller's disclosure statement for improved residential real property transfers.	S 2 nd Reading
ESHB 3160	Springer	Nutrition Information - Establishes a legislative task force on nutritional information disclosure. Enacts a moratorium on local boards of health and health districts from regulating mandatory menu labeling or nutritional information disclosure.	S 2 nd Reading
<i>EMPLOYMENT</i>			
SHB 2142	Linville	Workplace Bullying - Makes it an unlawful employment practice to subject a state employee to an abusive work environment. Defines "abusive work environment" as a workplace where a state employee is subject to severe abusive conduct that causes physical or psychological harm. Grants an aggrieved employee a private right of action if administrative remedies are exhausted.	H Approp
<i>GAMBLING, HORSE RACING, AND LOTTERY</i>			
HB 2489	Moeller	Increasing Raffle Ticket Prices - Raises the maximum price of a raffle ticket from \$25 to \$100 and allows the Gambling Commission to raise the maximum above \$100.	S 2 nd Reading
HB 3220	Condotta	Raffles by Counties, Cities, and Towns - Allows a county, city, or town to conduct raffles under the Gambling Act as long as the net proceeds are used for community or tourism promotion activities.	S 2 nd Reading
<i>LEAVE</i>			
SHB 3305	Dickerson	Family Leave Insurance - Directs the Employment Security Department to administer the family leave insurance program. Specifies that the job protection provisions must be enforced by the Department of Labor and Industries. Modifies the family leave insurance program with respect to government efficiencies, unemployment compensation, and certain task force recommendations. Related budget proviso (Section 227(11) of ESHB 2687) passed Legislature.	H Rules C

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>LICENSING</i>			
SHB 2496	Conway	Out-of-State Certified Public Accountants - Eliminates the notice and fee requirement for out-of-state Certified Public Accountants (CPAs) to have a practice privilege in Washington. Broadens out-of-state CPAs' automatic consent to Washington disciplinary authority. Makes other changes in the Public Accountancy Act. Identical bill (SSB 6604) enacted.	Gov vetoed
SHB 2759	Conway	Bail Bond and Bail Bond Recovery Agents - Increases recovery agent training and mandates additional requirements for forced entries. Provides immunity for law enforcement officers who are in attendance at or assist with a planned forced entry. Makes other changes in the bail bond agency, agent, and recovery agent provisions. Similar bill (ESSB 6437) enacted.	H Rules R
SHB 3297	Green	Professional Athletics - Grants greater authority to test participants for alcohol and requires emergency units with transport and resuscitation capabilities. Makes appointed officials immune from liability for official acts. Changes the "tax" on events to an "event fee." Makes other changes regarding regulation of professional athletic events.	S Rules 2G
ESSB 5746	Jacobsen	Landscape Architecture - Requires those that practice landscape architecture be licensed. Creates a state licensure board for landscape architects. Specifies requirements and procedures for licensure as a landscape architect.	H Rules C
SSB 6498	Tom	Real Estate - Establishes licenses for real estate brokers, managing brokers, designated brokers, and firms, replacing the existing licenses for real estate salespersons and associate brokers. Adds several exemptions to real estate licensing. Increases licensing, educational, and oversight requirements. Makes various technical and clarifying changes. Identical House bill (SHB 2778) enacted.	H Rules C
<i>LIQUOR</i>			
SHB 2076	Conway	Wine and Beer Tasting Pilot Project in Grocery Stores - Establishes a pilot project for grocery store tastings of beer and wine. Similar bill (ESB 5751) passed Legislature.	H 2 nd Reading
SHB 2501	Williams	Beer and Wine Specialty Shop Keg Sales - Expands sizes of kegs allowed to be sold by beer and/or wine specialty shops and requires shops to comply with keg registration procedures.	S 2 nd Reading
SHB 3176	Kenney	Authorizing Wine Warehouses to Handle Bottled Wine - Expands activities permitted under a bonded wine warehouse license to permit handling of wine, which includes packaging, labeling, and shipping wine orders direct to a consumer. Similar bill (part of SSB 6770) enacted.	H Rules R

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SHB 3192	Wood	Activities Permitted under Several Licenses - Expands activities permitted under a bonded wine warehouse license to include handling of wine. Allows wineries to sell their wine for on-premises consumption at off-site locations. Allows breweries and microbreweries to have up to two on- or off-premises restaurant or tavern licenses. Allows microbreweries to contract-produce beer for another microbrewer. Allows restaurants to sell any wine for off-premises consumption. Makes other changes to several liquor licenses. Identical bill (SSB 6770) enacted.	H Rules C
<i>SAFETY AND HEALTH</i>			
2ESB 5723	Rasmussen	Community Agricultural Worker Safety Grant Program - Creates the Community Agricultural Worker Safety Grant Program within the Department of Agriculture.	H Approps
<i>UNEMPLOYMENT COMPENSATION</i>			
ESHB 2626	Van De Wege	Waiting Periods - Directs the Employment Security Department to study options for suspending the waiting period requirement for individuals who are unemployed because of an emergency or disaster.	S Rules 2G
HB 2655	Conway	Delinquency Tax Rates - Provides that the Employment Security Department must disregard certain delinquent payments and may disregard others when determining whether an employer is qualified to have its unemployment insurance tax rates based on layoff experience.	S 2 nd Reading
HB 2656	Conway	Technical Corrections - Makes corrections to two statutory references in the Employment Security Act.	S Rules 2
SHB 2967	Conway	Apprenticeship - Adds entering approved apprenticeship programs to the circumstances that are considered "good cause" for leaving work and, therefore, do not disqualify individuals from receiving unemployment benefits. Similar Senate bill (SSB 6751) passed Legislature.	H Rules C
<i>WAGE AND HOUR</i>			
SHB 2824	Green	Hours of Labor for Nurses - Adds various public facilities to the health care facilities prohibited from requiring overtime from nursing staff. Limits exceptions to the prohibition on mandatory overtime for circumstances relating to prescheduled on-call time and patient care in progress. Requires health care facilities to schedule meal and rest periods.	H Approp
ESHB 2864	Ormsby	Certified Payroll Records on Public Works Projects - Requires contractors of any off-site products on public works projects to submit specified information to the awarding agency and to the Department of Labor and Industries for purposes of identifying requests for certified payroll records.	S 3 rd Reading
HB 2979	Williams	Agricultural Overtime - Requires overtime wages for certain agricultural work unless the employee is employed by the owner/operator.	H Rules C

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>WORKERS' COMPENSATION</i>			
HB 1545	Kirby	Death Benefits for the Surviving Spouses of Law Enforcement Officers - Allows surviving spouses of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan who are eligible for death benefits under the Industrial Insurance Act to continue to receive the benefit monthly for life.	S Rules 2
SHB 2980	Williams	Ex Parte Contacts - Limits ex parte contact with medical providers after an appeal is filed.	H Rules R
SHB 3255	Wood	Coverage for Work Performed Outside Washington - Requires Washington state fund employers to cover workers for temporary and incidental work outside Washington and authorizes the Department of Labor and Industries to adopt rules for work in excess of temporary and incidental. Identical bill (SB 6839) passed Legislature.	S 2 nd Reading

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Bills Referred to Committee

BILL NO.	PRIME SPONSOR	SUMMARY
<i>COLLECTIVE BARGAINING</i>		
HB 2672	Conway	Adult Family Home Caregivers - Establishes a referral registry through which providers contract for hours of care and caregivers are paid. Provides for collective bargaining between the Governor and caregivers under the Public Employees' Collective Bargaining Act. Requires that Medicaid and state-funded long-term care payment rates be increased to reflect increases to wage rates and personnel costs.
<i>CONSUMER PROTECTION</i>		
HB 2511	Appleton	Pet Dealers - Prohibits pet dealers from selling diseased animals. Allows purchasers to obtain remedies if an animal is diseased or dead, including returning the animal, exchanging the animal, or retaining the animal and being reimbursed for veterinary fees.
HB 2708	Hurst	Secondary Market for Frequent Flier Programs - Requires certain airlines to: include a warning on every communication with consumers; compensate holders 2½ cents for each point, mile, or similar credit if the airline discontinues the frequent flier program; and establish a reserve fund to compensate consumers.
HB 2739	Kenney	Wood Burning Devices - Requires questions be added concerning wood burning devices to the seller's disclosure statement for improved residential real property transfers.
HB 3250	Hunt	Restocking Fees - Establishes the practice of charging restocking fees on defective or damaged merchandise as a violation of the Consumer Protection Act.
<i>EMPLOYMENT</i>		
HB 3369	Dunn	Religious Objectors - Specifies that, under public sector collective bargaining laws, employees who assert rights of nonassociation may do so based on either bona fide personally held religious beliefs or based on the tenets or teachings of the employee's church. Modifies the charitable organizations to which dues are paid.
<i>GAMBLING, HORSE RACING, AND LOTTERY</i>		
HB 2862	Simpson	Gambling Commission Revenue Actions - Provides for fee increases.
<i>LEAVE</i>		
HB 2665	Dickerson	Family Leave Insurance - Directs the Employment Security Department to administer the family leave insurance program. Specifies that the job protection provisions must be enforced by the Department of Labor and Industries. Modifies the family leave insurance program consistent with certain task force recommendations on government efficiencies, unemployment compensation, and other matters. Related budget proviso (Section 227(11) of ESHB 2687) passed Legislature.
SSB 5900	Regala	Victims of Domestic Violence, Sexual Assault, or Stalking - Requires employers to provide reasonable leave to employees who are victims of domestic violence, sexual assault, or stalking, or whose family members are victims. Similar bill (SHB 2602) passed Legislature.

BILL NO.	PRIME SPONSOR	SUMMARY
<i>LICENSING</i>		
HB 2587	Williams	Landscape Architecture - Requires those that practice landscape architecture be licensed. Creates a state licensure board for landscape architects. Specifies requirements and procedures for licensure as a landscape architect.
HB 2681	Green	Professional Athletics - Changes the amount paid by a promoter from a gross receipts tax to an event fee to be determined by the Department of Licensing by rule. Makes several changes to regulation of events including more inspectors, greater authority to test participants for alcohol, and emergency units with transport and resuscitation capabilities. Makes appointed officials immune from liability for official acts. Modifies fee authority. Makes other changes regarding regulation of professional athletic events.
HB 2895	Williams	Interior Designers - Requires those that practice interior design be registered with the Interior Design Board. Establishes educational and registration requirements for interior designers.
HB 3118	Rolfes	Architects - Establishes reciprocity for licensed architects from other states. Modifies examination requirements for architects and exemptions from architectural licensing. Increases professional development requirements for architects.
HB 3132	Springer	Home Inspectors - Establishes the practice of home inspecting and requires home inspectors to be licensed. Establishes qualifications, licensing requirements, examinations, and continuing education requirements for home inspectors. Authorizes the Director of the Department of Licensing to adopt rules to administer the provisions.
HB 3170	Williams	Landscape Architecture - Requires those that practice landscape architecture be licensed. Creates a state licensure board for landscape architects. Specifies requirements and procedures for licensure as a landscape architect.
HB 3198	Hunt	Certifying Soil and Wetland Scientists - Protects the use of titles "soil scientist," "wetland scientist," "certified soil scientist," "certified wetland scientist," "wetland delineator," and "wetland ecologist," with some exceptions. Provides fee authority.
HB 3223	Williams	Interior Designers - Requires those that practice interior design be registered with the Interior Design Board. Establishes educational and registration requirements for interior designers.
HB 3238	Green	Professional Athletics - Makes several changes to regulation of events including more inspectors, greater authority to test participants for alcohol, and emergency units with transport and resuscitation capabilities. Provides that all appointed official are immune from liability. Modifies fee authority. Makes other changes regarding regulation of professional athletic events.
HB 3298	Green	Professional Athletics - Makes several changes to regulation of events including greater authority to test participants for alcohol, and emergency units with transport and resuscitation capabilities. Provides that all appointed official are immune from liability. Modifies fee authority. Makes other changes regarding regulation of professional athletic events.
HB 3316	Hunt	Certifying Soil and Wetland Scientists - Protects the use of titles "soil scientist," "wetland scientist," "certified soil scientist," "certified wetland scientist," "wetland delineator," and "wetland ecologist," with some exceptions.
<i>LIQUOR</i>		
HB 3295	Newhouse	Wine Label Requirements - Requires grapes to be grown in Washington to label a wine as "Washington" wine or use certain other labels.

BILL NO.	PRIME SPONSOR	SUMMARY
<i>MISCELLANEOUS</i>		
HB 3178	Ross	Drug Testing of Peace Officers - Authorizes cities, counties, and other taxing districts, with voter approval, to institute mandatory drug testing after specified events and random drug testing for peace officers.
<i>PREVAILING WAGE</i>		
HB 2942	Conway	Prevailing Wage Fees - Raises the fee for approval of intents/affidavits from a \$25 maximum to a set \$40. Related House bill (EHB 3381) passed Legislature.
HB 3337	Moeller	Projects that Involve Tax Incentives, Loans, or Public Land or Property that is Sold or Leased - Requires payment of the prevailing wage on construction projects that involve tax incentives, loans provided by the government, sales of public land for less than fair market value, and leases of public land.
SB 6694	Murray	Prevailing Wage Fees - Raises the fee for approval of intents/affidavits from a \$25 maximum to a set \$40. Related House bill (EHB 3381) passed Legislature.
<i>PUBLIC EMPLOYMENT</i>		
HB 2912	Chandler	Public Disclosure of Union Finances - Requires public sector employee organizations to annually provide financial disclosure information to all employees in bargaining units and to the general public by filing reports with the Public Employment Relations Commission.
HB 2975	Chandler	Uses of Agency Shop Fees - Limits the amount of funds collected under a union security provision to a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, and for matters affecting wages, hours, and other conditions of employment.
<i>TEEN WORKERS</i>		
HB 2586	Chandler	Nonagricultural Work of Minors - Allows 16 and 17 year old minors to work a maximum of 28 hours per week during the school year.
<i>UNEMPLOYMENT COMPENSATION</i>		
HB 2050	Anderson	Language Translators and Interpreters - Excludes services performed by language translators or interpreters through agents and brokers from employment for purposes of unemployment compensation and workers' compensation.
HB 2735	Anderson	Language Translators and Interpreters - Excludes services performed by language translators or interpreters through agents and brokers from employment for purposes of unemployment compensation and workers' compensation.
HB 2769	Nelson	Labor Disputes - Deletes the provision that disqualifies employees in a multi-employer bargaining unit from unemployment compensation benefits when the employees have been locked out following a strike against one of the employers in the bargaining unit.
HB 3267	Condotta	Corporate Officers - Deletes requirement that, when employers register with the Employment Security Department, registrations include names, Social Security numbers, and other information for corporate officers and certain other owners. Deletes provisions making corporate officers and certain other owners personally liable for unemployment contributions. Specifies that, regardless of whether an employer provides notice, corporate officers are ineligible for unemployment benefits. Deletes provision specifying when certain corporate officers are unemployed.

BILL NO.	PRIME SPONSOR	SUMMARY
HB 3355	Jarrett	Personal Services for Services Referral Agencies - Excludes certain personal services for services referral agencies from covered employment for purposes of unemployment compensation.
WAGE AND HOUR		
HB 2685	Green	Hours of Labor for Nurses - Adds various public facilities to the health care facilities prohibited from requiring overtime from nursing staff. Requires employees of health care facilities to have scheduled meal and rest periods. Prohibits health care facilities from requiring nurses to work more than 12 hours within a 24-hour period. Allows the use of mandatory overtime for patient care in progress in certain situations.
HB 2717	Chandler	Overtime Compensation for Agriculture, Forestry, and Fisheries Employees - Adds several exemptions to overtime compensation under the federal Fair Labor Standards Act to the state Minimum Wage Act. Requires overtime wages for certain agricultural work unless the employee is employed by the owner/operator.
HB 2853	Miloscia	Providing Living Wages on Public Contracts - Requires state contractors and subcontractors to pay employees performing work under contracts a living wage rate. Specifies that the living wage rate is \$9.70 per hour if health benefits are provided, or \$11.55 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, 2009.
HB 2856	Miloscia	Achieving Economic Security through Income Sufficient to Meet Basic Needs - 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 3%). Contains a referendum clause.
HB 3253	Grant	Overtime Compensation for Truck Drivers - Exempts truckers and bus drivers from overtime for working longer than 40 hours per week within the state of Washington, if the compensation system under which the trucker or bus driver is paid includes overtime pay and is reasonably equivalent to what is required by state law.
HB 3294	Chandler	The Term "Employ" for Minimum Wage Purposes - Clarifies that the term "employ" does not include the use of an employer's vehicle for travel by an employee that is incidental to commuting.
HB 3320	Hinkle	Accounts to Pay for Health Related Expenses of Employees - Allows employers to choose between paying the minimum wage or paying the minimum wage as it existed on January 1, 2009, with the difference going towards an employee's health-related expenses.

BILL NO.	PRIME SPONSOR	SUMMARY
WORKER'S COMPENSATION		
HB 2233	Condotta	Uses of Industrial Insurance Funds - Requires that expenditures from the Accident Fund, the Medical Aid Fund, and the Supplemental Pension Fund be made only for purposes related to industrial insurance. Authorizes ratepayers to file actions protesting the uses of the Accident Fund, the Medical Aid Fund, and the Supplemental Pension Fund.
HB 2935	Conway	Utilization Review of Physical Therapy Services - Provides that if the Department of Labor and Industries uses a utilization review provider for physical therapy services, and the recommendation from the provider is not received within 48 hours, the Department of Labor and Industries must pay for any visits while the recommendation is pending.
HB 2989	Wallace	Mandatory Industrial Insurance Coverage for Drywall Businesses - Provides that the exemption from coverage for sole proprietors, partners, and corporate officers does not apply to drywall businesses. Creates a statutory drywall oversight committee.
HB 3089	Miloscia	Occupational Diseases of Public Employee Fire Investigators - Adds public employee fire investigators to persons subject to the workers' compensation occupational disease presumption for firefighters.
HB 3172	Condotta	Reforming Worker's Compensation - Makes numerous changes to workers' compensation laws, including: prohibiting benefits (except for medical care) if the worker used false documents to obtain employment; limiting payments to 104 weeks; providing that only the treatment directly related to a work-related injury or illness is compensable; limiting compensation for pain; allowing compromise and release; requiring that a findings of an independent medical examiner must be given greater weight than the findings of the attending physician; and limiting attorneys' fees.
HB 3331	Conway	Identifying Methicillin-Resistant Staphylococcus Aureus as a Presumptive Occupational Disease Affecting Firefighters - Adds methicillin-resistant staphylococcus aureus (MRSA) to the list of infectious diseases that are presumptive occupational diseases for industrial insurance purposes for certain firefighters.
HB 3387	Condotta	Uses of Industrial Insurance Funds - Requires that expenditures from the Accident Fund, the Medical Aid Fund, and the Supplemental Pension Fund be made only for purposes related to the payment of industrial insurance benefits or the administration of industrial insurance programs. Authorizes ratepayers to file actions protesting the uses of these funds.

CHRISTINE O. GREGOIRE
Governor



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March 21, 2008

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 11 and 13, Second Substitute Senate Bill 6732 entitled:

"AN ACT Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry."

This bill provides precise tools to both the Department of Labor and Industries and the Employment Security Department to crack down on the underground construction economy. This legislation strengthens the ability of the two departments to enforce the statutes most frequently violated by unregistered contractors. It also provides the enforcement staff and the penalties necessary to make an impact on the underground construction economy.

Section 11 directs the Department of Labor and Industries to hire three staff members, including a working supervisor. While it is understandable that the Legislature wishes to make clear its intent regarding the Department's enforcement staff, specific reporting relationships and staffing levels are decisions best left to the Department and its management. The underlying strategies and tools described in the bill as a whole depend upon increased staffing in the Department's fraud audit infraction and revenue team. Therefore, I am directing the Department of Labor and Industries to hire investigative staff, consistent with the legislative appropriation provided for implementation of this bill, to carry out the activities and functions necessary to curb the activities of the underground construction economy.

Section 13 directs the Department of Labor and Industries to establish a pilot program with local jurisdictions surrounding the collection and sharing of building permit information. The intent and makeup of this study is unclear and the language provides little direction as to the nature of the pilot project. Since the pilot was intended to run until the end of 2014, I believe the legislature can revisit this idea in the next session.

Second Substitute Senate Bill 6732

March 21, 2008

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For these reasons, I have vetoed Sections 11 and 13 of Second Substitute Senate Bill 6732.

With the exception of Sections 11 and 13, Second Substitute Senate Bill 6732 is approved.

Respectfully submitted,

/s/

Christine O. Gregoire

Governor

CHRISTINE O. GREGOIRE
Governor



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March 14, 2008

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

Ladies and Gentlemen:

I am returning, without my approval, Substitute House Bill 2496 entitled:

"AN ACT Relating to enhancing the mobility of certified public accountants."

This bill is a duplicate of Substitute Senate Bill 6604, which I am signing today. Substitute House Bill 2496 is therefore redundant.

For these reasons, I have vetoed Substitute House Bill 2496 in its entirety.

Respectfully submitted,

/s/
Christine O. Gregoire
Governor