Senate Committee Services

Summary of Select 2009 Interim Activities



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Senate Agriculture & Rural Economic Development Committee

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TITLE: Protecting the Viability of Agricultural Land and Critical Areas

DESCRIPTION/FINDINGS/OUTCOME: The Ruckelshaus Center convened a number of meetings of the interest group caucuses to develop a legislative proposal that would maintain the viability of agricultural lands while also protecting critical areas. Though there was significant progress, final consensus was not reached in time for submission to the Legislature for consideration during the 2010 Legislative Session.

To complete its work, a one-year extension has been requested that will continue the moratorium on the update of critical area ordinances by local governments under the Growth Management Act, and for submission of the final report and legislative recommendations prior to the 2011 Legislative Session.

REFERENCES: SSB 5248 (2007)

STAFF CONTACT: Bob Lee CONTACT NUMBER: 786-7404

TITLE: Consolidation of Food Bank Programs

DESCRIPTION/FINDINGS/OUTCOME: Some components of the emergency food assistance programs provided at the local level through food banks are administered by the Department of Commerce and other components are administered by the Department of General Administration. As a result of the review of the multitude of programs administered by the Department of Commerce, these food bank programs are proposed to be transferred to and consolidated within the Department of Agriculture.

As the type of food donations have changed from primarily pre-packaged and canned items to primarily bulk unprocessed foods, the Department of Agriculture's connections with bulk storage facilities and its food safety expertise is anticipated to add value to the proposed consolidation of food bank programs within the agency.

It is anticipated that legislation will be introduced to implement the consolidation of various food bank programs within the Department of Agriculture as proposed in the Governor's request budget.

REFERENCES: NA

STAFF CONTACT: Bob Lee CONTACT NUMBER: 786-7404

TITLE: Animal Health and Identification Systems

DESCRIPTION/FINDINGS/OUTCOME: Staff monitored developments concerning the National Animal Identification System (NAIS), an animal health surveillance program administered by the US Department of Agriculture in cooperation with some states, tribes, and private entities. NAIS is intended to facilitate rapid tracing and location of livestock and other animals potentially exposed to communicable disease. Producer participation is voluntary unless required by individual states. Washington, like most states, has not required producer participation, and currently fewer than 10 percent of Washington producers voluntarily participate.

In several 2009 USDA "listening sessions" regarding NAIS, some commenters expressed concerns regarding potential spread of diseases and exclusion from export markets and proposed that more producers should be required to participate. However, most commenters – raising objections ranging from perceived invasion of property and privacy rights to potentially high producer compliance costs – strongly opposed mandated producer participation. Meanwhile, Massachusetts funded a state NAIS program, the Arkansas legislature adopted a resolution urging Congress to maintain a purely voluntary program, and Utah authorized a state agency to participate in NAIS but prohibited it from requiring or coercing producer participation. More than a dozen legislatures considered (but did not enact) measures restricting state agencies from participating in NAIS or requiring producers to participate.

REFERENCES: <u>SB 5956</u>, <u>HB 2086</u>

STAFF CONTACT: Sam Thompson **CONTACT NUMBER:** 786-7413

Senate Early Learning & K-12 Education Committee

2009 Summary of Select Interim Activities

TITLE: Program for Highly Capable Students

DESCRIPTION/FINDINGS/OUTCOME: The Governor vetoed section 708 of Engrossed Substitute House Bill 2261, which provided a funding safety net for the highly capable program, which in accordance with the legislation will become part of the definition of basic education by 2018. The veto message provides, among other things, that there is work to be done to establish standards, guidelines, and definitions for what constitutes a highly capable program and what the funding level should be for such a program. This report summarizes the current Washington State definition, standards, rules, and funding for the public school program for highly capable students, including examples of different state and district programs. Additionally, the report reviews programs for highly capable students in other states and provides a summary of different definitions, standards, program options, services, and funding policies. Lastly, information regarding judicial review of individual claims and funding adequacy claims are provided.

REFERENCES: ESHB 2261

http://www.leg.wa.gov/Senate/Committees/EDU/Documents/Highly%20Capa

ble%20Students%20Executive%20Summary.pdf;

http://www.leg.wa.gov/Senate/Committees/EDU/Documents/Highly%20Capable%20Students%20FINAL%20w%20OSPI%20forms%2009%2023.pdf

STAFF CONTACT: Nancy Sagor Garland CONTACT NUMBER: 786-7422

Susan Mielke

TITLE: Quick Reference Guide to Washington State K-12 Educational Agencies, Associations

and Organizations

DESCRIPTION/FINDINGS/OUTCOME: This is a quick reference guide to the many Washington educational agencies, associations, and organizations. This list and chart include a general description of each, including contact and funding information.

REFERENCES: http://www.leg.wa.gov/Senate/Committees/EDU/Documents/

K12%20Organization-Agency-Association%20List.pdf

http://www.leg.wa.gov/Senate/Committees/EDU/Documents/K12%20Organi

zation-Agency-Association%20Chart.pdf

STAFF CONTACT: Juliana Roe CONTACT NUMBER: 786-7438

TITLE: Quality Education Council

DESCRIPTION/FINDINGS/OUTCOME: In 2009, the Legislature established the Quality Education Council, which includes legislators and other members, to recommend and inform the ongoing implementation by the Legislature of an evolving program of basic education and financing, including development of a ten-year strategic plan. The Council held an initial conference call, followed by three two-day meetings, and a single day meeting in 2009, with an additional meeting in early January 2010. The Council made 13 initial recommendations to the Legislature, which are included in the report to the Legislature.

REFERENCES: ESHB 2261

http://www.leg.wa.gov/Senate/Committees/EDU/Documents/QECReport.pdf

http://www.ofm.wa.gov/k12funding

STAFF CONTACT: Susan Mielke CONTACT NUMBER: 786-7422

Senate Economic Development, Trade & Innovation Committee

2009 Summary of Select Interim Activities

TITLE: Economic Development Planning and Performance

DESCRIPTION/FINDINGS/OUTCOME: Economic development planning at the county level is carried out by county officials and Associate Development Organizations (ADOs), the state supported economic development agencies. Committee staff reviewed planning efforts at the county level and whether ADOs are meeting their statutory obligations. A report was prepared for the Economic Development, Trade and Innovation Committee.

REFERENCES: SB 5475, SHB 1323, 2SSB 5092 (2007)

http://www.leg.wa.gov/Senate/Committees/EDTI/Documents/EcoDevPlannin

gAndPerformanceLocalLevel.pdf

STAFF CONTACT: Jack Brummel CONTACT NUMBER: 786-7428

TITLE: International Relations

DESCRIPTION/FINDINGS/OUTCOME: The International Relations Subcommittee of the Economic Development, Trade and Innovation Committee was created for the 2009-2011 biennium. The subcommittee took testimony from a variety of international experts. Staff has prepared a report on the presentations made, with recommendations that came out of the subcommittee hearings.

REFERENCES: http://www.leg.wa.gov/Senate/Committees/EDTI/Documents/IRSubCmte

SubCmteRpt.pdf

STAFF CONTACT: Jack Brummel CONTACT NUMBER: 786-7428

Senate Environment, Water & Energy Committee

2009 Summary of Select Interim Activities

TITLE: Climate Change Preparation and Adaptation Actions

DESCRIPTION/FINDINGS/OUTCOME: During the 2009 Legislative Session, E2SSB 5660 was passed which in part required the Department of Ecology and other state agencies to develop an integrated climate change response strategy. The Department of Ecology convened the Impacts, Preparation and Adaptation Workgroup composed of agency representatives designated in E2SSB 5660 and included other agencies needing to comply with the Executive Order 09-05, Washington's Leadership on Climate Change.

Staff monitored the progress of the workgroup. The workgroup met several times to develop a steering committee that determined the scope of the strategy; formed topic advisory groups; and set a timeline to carry out tasks to meet legislative requirements for the final strategy. The workgroup is coordinating with local governmental associations and tribes, holding public informational sessions and will be meeting with local governments as it develops the integrated climate change response strategy. An initial draft strategy is expected Spring 2011 and the final strategy will be provided to the Legislature by December 2011.

In addition, staff reviewed the efforts by other states and countries to implement preparation and adaptation activities for climate change. Most states and countries are developing plans and strategies to prepare for and adapt to climate change.

REFERENCES: E2SSB 5560 - SEC.10 -14

http://ecy.wa.gov/climatechange/adaptation.htm

STAFF CONTACT: Jan Odano CONTACT NUMBER: 786-7486

TITLE: Product Stewardship Monitoring and Research

DESCRIPTION/FINDINGS/OUTCOME: Staff monitored developments concerning proposed "product stewardship" legislation requiring manufacturers to finance and manage recycling or disposal of products at the end of their useful lives. Advocates primarily seek to reduce waste and promote manufacturing of products that cause fewer harmful environmental impacts when discarded. In 2006, Washington enacted one of the first laws in the nation requiring electronics manufacturers to finance and manage recycling or disposal of discarded computers and televisions. Bills introduced in 2009 sought to set similar duties for manufacturers of unwanted drugs and mercury-containing lights. Other legislation proposed to establish a "framework" process under which the Department of Ecology (Ecology) could potentially mandate product stewardship requirements for several products. While none of these measures were enacted, a proviso in the 2009-11 state operating budget directed Ecology to consider manufacturer financing as it developed proposals for a mercury-containing light recycling program. A draft report indicates that the agency may suggest legislation incorporating product stewardship

requirements. In 2009, several states considered (and in a few instances enacted) bills similar to those considered by the Washington Legislature.

REFERENCES: SB 5543, HB 1469 (mercury-containing lights), SB 5279, HB 1165

(unwanted drugs), <u>HB 1718</u> (Ecology "framework" process)

STAFF CONTACT: Sam Thompson CONTACT NUMBER: 786-7413

TITLE: Renewable Portfolio Standards and Renewable Energy Credits

DESCRIPTION/FINDINGS/OUTCOME: Staff completed a primer on renewable energy credits. For details, see the memo titled "Renewable Portfolio Standards and Renewable Energy Credits" at the website below.

REFERENCES: http://www.leg.wa.gov/Senate/Committees/EWE/Documents/Renewable

Energy.pdf

STAFF CONTACT: William Bridges CONTACT NUMBER: 786-7416

TITLE: Reclaimed Water and Impairment

DESCRIPTION/FINDINGS/OUTCOME: One of the issues facing proponents of reclaimed water projects is the potential impairment of existing water rights by reclaimed water facilities that modify or eliminate freshwater wastewater discharges. For example, uses of reclaimed water may reduce the amount of water in the stream, thereby potentially impairing other water users. The Department of Ecology (Ecology) recommends a statutory amendment to specify that existing water rights are those water rights existing at the time that Ecology completes an impairment review. This would set the time for existing water rights during the planning process providing some certainty to a utility considering a reclaimed water project and establishing a reclaimed water facility priority date relative to water right applications and other reclaimed water facilities. Additionally, Ecology recommends a statutory amendment to include upstream water rights as part of the impairment assessment, which may require more water rights to be evaluated in certain situations.

REFERENCES: SSB 5504 (2009), E2SSB 6117 (2007), ESHB 2884 (2006)

http://www.ecy.wa.gov/pubs/0911027.pdf

http://www.ecy.wa.gov/programs/wr/rules/rwwrac.html

http://www.ecy.wa.gov/programs/wg/reclaim/reclaimadvcomm.html

STAFF CONTACT: Karen Epps CONTACT NUMBER: 786-7424

TITLE: Stock Water Working Group

DESCRIPTION/FINDINGS/OUTCOME: The Stock Water Working Group (Working Group) held four work sessions to review issues surrounding the use of permit-exempt wells for stockwatering purposes. Additionally, the stakeholders on the Working Group held two meetings to discuss various proposals that were submitted to the Working Group. The Working Group presented the issues that have been discussed at Working Group meetings to the Senate Environment, Water & Energy Committee and the House Agriculture & Natural Resources Committee on December 4, 2009. The Working Group will continue to consider topics under discussion.

REFERENCES: <u>E2SHB 1244 (2009)</u>

http://www.ecy.wa.gov/programs/wr/hq/swwg.html

STAFF CONTACT: Karen Epps CONTACT NUMBER: 786-7424

TITLE: Storm Water Regulation

DESCRIPTION/FINDINGS/OUTCOME: The structure of storm water regulation begins with the Clean Water Act (CWA). There are two provisions within the CWA that furnish the majority of storm water regulation, the National Pollutant Discharge Elimination System (NPDES) permitting process and total maximum daily load (TMDL) water quality requirements. Storm water runoff constitutes a point source and is regulated if it is discharged from an industrial activity, by a municipality, or from a construction site of greater than one acre. In addition to NPDES permit requirements, each state is required by the CWA to compile and submit to EPA a list of impaired waters. For each impaired water, the state must set TMDLs for each pollutant exceeding water quality standards. The Washington Legislature has designated the Department of Ecology as the control agency for all purposes of the CWA, including NPDES permitting and development of TMDLs.

REFERENCES: http://ecy.wa.gov/programs/wq/stormwater/index.html,

http://psp.wa.gov/stormwater.php

STAFF CONTACT: Karen Epps CONTACT NUMBER: 786-7424

Senate Financial Institutions, Housing & Insurance Committee 2009 Summary of Select Interim Activities

TITLE: Inspection of Rental Properties

DESCRIPTION/FINDINGS/OUTCOME: A program of inspection of rental property by the City of Pasco was upheld by a judicial decision in 2007. In 2009, legislation proposed to limit this decision by amending the Residential Landlord Tenant Act to prohibit a local government from requiring a landlord to pay for the inspection of the landlord's rental property with reference to local building codes. Other jurisdictions are considering programs similar to Pasco's. Testimony during session did not bring clarity to the issues raised by the legislation.

A stakeholder group consisting of the prime sponsors, landlords, tenant advocates and cities, is working together to develop legislation that defines parameters of a limited mandatory rental inspection program. Issues include how often a property may be inspected, who is qualified to do an inspection, what the inspector may look for, how to protect a tenant's right to privacy, and an appeals process, among other things. Another issue the stakeholder group is considering is granting local jurisdictions the authority to obtain administrative search warrants to inspect rental housing property.

Legislation may be introduced during the 2010 Legislative Session.

REFERENCES: SSB 5495

STAFF CONTACT: Alison Mendiola CONTACT NUMBER: 786-7483

TITLE: Taxation of Credit Unions and Banks in Washington

DESCRIPTION/FINDINGS/OUTCOME: One element of the statutory definition of a public depositary in RCW 39.58.010(2) requires that the financial institution not claim exemption from payment of sales tax. This requirement prevents credit unions from meeting the definition of public depositaries. Legislation in the 2009 Legislative Session proposed removal of this distinction. Part of the debate concerning legislation enacted in 2009 that amended the same statute concerned the same issue: whether credit unions may qualify as public depositaries. The factual basis for decision-making was blurred by conflicting testimony.

Committee staff will research and report on the tax status of credit unions and banks in the state of Washington as well as in comparison to that of other states in the context of public depositaries. If directed by members, legislation may be prepared for the 2010 Legislative Session.

REFERENCES: ESHB 1669, SB 5579

http://www.leg.wa.gov/Senate/Committees/FIHI/Documents/TaxationofCredit

Unions.pdf

STAFF CONTACT: Diane Smith/Harjeet Gill **CONTACT NUMBER:** 786-7410

TITLE: Usage-Based Automobile Insurance

DESCRIPTION/FINDINGS/OUTCOME: Usage-based automobile insurance is a relatively new product. It raises many issues including personal privacy; voluntary, incentive-driven reduction of pollutants and carbon emissions; operational disincentives for commuting and consequent decisions about how close to work one's home is located; affordability of insurance; actuarial validity in comparison to credit scoring; and competition among insurers. The ability of an insurance company to offer this type of insurance is premised upon its development of an algorithmic method for translating driving activity into the likelihood of risky behavior by its policy-holders. The algorithm is developed after a long period of research and requires ongoing analysis. The confidentiality of this rating algorithm and competition in the insurance marketplace remain issues.

Legislation may be introduced during the 2010 Legislative Session.

REFERENCES: SSB 5708

STAFF CONTACT: Diane Smith **CONTACT NUMBER:** 786-7410

Senate Government Operations & Elections Committee

2009 Summary of Select Interim Activities

TITLE: Building Permit Fees

DESCRIPTION/FINDINGS/OUTCOME: Counties are required to set building permit fees for agricultural structures at amounts that do not exceed the costs associated with reviewing the permit application, conducting inspections, and preparing specific environmental documents. Counties have developed fee schedules based on a variety of factors, from surveying other counties in Washington and setting rates based on averages, to charging a specific percentage of direct department costs, to using industry benchmarks. Most of these approaches focus on setting the fees at a reasonable level in relation to an established benchmark. The Audit Report recommends that legislation be considered to address three issues with the current permitting fee structure. Counties should be allowed to establish some threshold of working capital from surplus building permit revenues. The statute should define the building permit processing activities and allowable expenses to be recovered from permit fees. Finally, the statute should specifically allow counties to recover both the direct and indirect costs of processing permit applications.

REFERENCES: SB 5120, SB 6609 (2008)

http://www.sao.wa.gov/auditreports/auditreportfiles/ar1002634.pdf

STAFF CONTACT: Karen Epps CONTACT NUMBER: 786-7424

TITLE: Department of Information Services

DESCRIPTION/FINDINGS/OUTCOME: In the past few years, the Information Technology (IT) Work Group has been looking at ways to improve the administration and coordination of state information technology. In 2008, the IT Work Group hired a consultant to evaluate the state's current governing structure for IT. The final report, submitted in June 2009, includes the following recommendations: (1) refocus the Information Services Board on setting and guiding IT direction for the State and establish a Project Review Board for certain projects, (2) centralize desktop and infrastructure support functions to achieve economies of scale, but leave application support within the agencies, and (3) optimize and reduce infrastructure in alignment with enterprise architecture best practices.

This report establishes a five-year implementation schedule in order to accomplish the recommendations. The report states that by centralizing computer and infrastructure support, the State may realize IT labor savings of \$35 million to \$72 million (assuming an annual cost of \$87,000 per IT FTE, including salary and benefits) by the end of the five-year implementation period. The report further states that achieving these savings will require significant initial investment to effect the recommended changes and it will take several years to fully realize savings.

REFERENCES: http://www.leg.wa.gov/House/Committees/WAYS/Pages/Reports.aspx

STAFF CONTACT: Karen Epps CONTACT NUMBER: 786-7424

TITLE: Domestic Partnership Fact Sheet

DESCRIPTION/FINDINGS/OUTCOME: In 2007 the Legislature created the domestic partnership registry in the Office of the Secretary of State. In 2008 and again in 2009, the Legislature extended to domestic partners certain rights and responsibilities that are granted to and imposed on spouses. In addition to expanding rights and responsibilities, the Legislature made significant changes to the dissolution process afforded to domestic partners. These changes to state law have resulted in some uncertainty for constituents regarding the potential impacts to health insurance benefits, taxes, family medical leave under state and federal law, and additional concerns. Committee staff created a list of the most commonly asked questions and answers to distribute to legislative assistants as an additional resource to provide helpful information to constituents.

REFERENCES: 2SHB 3104 (2007), E2SSB 5688

STAFF CONTACT: Sharon Swanson CONTACT NUMBER: 786-7447

TITLE: Joint Committee on Veterans' and Military Affairs

DESCRIPTION/FINDINGS/OUTCOME: The Joint Committee on Veterans' and Military Affairs (JCVMA) held a public hearing on September 30, 2009, and conducted a work session on December 3, 2009. During these hearings, the JCVMA reviewed legislation passed in 2009; heard presentations from the Veterans' Legislative Coalition, legislators, and staff regarding potential future legislation; and received an update from the Department of Veterans' Affairs regarding services offered to returning soldiers.

Additionally, the JCVMA elected two new co-chairs. Representative Barbara Bailey and Senator Steve Hobbs and adopted committee operating procedures. The JCVMA formally reviewed and recommended legislation for the 2010 session.

REFERENCES: RCW 73.04.150

STAFF CONTACT: Sharon Swanson CONTACT NUMBER: 786-7447

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

DESCRIPTION/FINDINGS/OUTCOME: The Public Records Exemptions and Accountability Committee – or Sunshine Committee – was created by Substitute Senate Bill 5435 in 2007. The Legislature established the Committee to review all public disclosure exemptions, and make recommendations to the Legislature as to whether each exemption should be continued without modifications, modified, scheduled for sunset review at a future date, or terminated.

In 2009, the Sunshine Committee held four meetings. The Committee adopted eight recommendations to retain, modify, or terminate exemptions, as explained in their annual report. The Committee also affirmed the eight recommendations contained in the 2008 report.

REFERENCES: SSB 5435 (2007), SB 5294 (2008), 5295 (2008)

http://www.atg.wa.gov/uploadedFiles/Home/About_the_Office/Open_Govern_ment/Sunshine_Committee/2009%20Report%20to%20the%20Legislature.p

df

http://www.atg.wa.gov/opengovernment/sunshine.aspx

STAFF CONTACT: Alison Mendiola CONTACT NUMBER: 786-7483

Senate Health & Long-Term Care Committee

2009 Summary of Select Interim Activities

TITLE: Federal Health Reform Work Session

DESCRIPTION/FINDINGS/OUTCOME: The committee has closely followed developments of health reform legislation as it has moved through Congress over the past six months. Two formal committee meetings were held to provide an overview of the federal legislation. One work session focused on Washington State small businesses and the health insurance industry perspectives on national health care reform. The other committee work session addressed major themes including health insurance reforms, Medicaid changes, and workforce shortages. Discussion examined Washington State law and the potential impacts of federal legislation on our state. Over the interim, staff participated in on-going reviews of the emerging legislation, through conference calls, webinars and discussions.

Staff explored the state's readiness to respond to the emerging federal proposals concerning individual and group insurance, Medicaid and CHIP, Medicare, long-term care, public health, workforce planning, payment pilots, cost controls and quality improvement.

REFERENCES: NA

STAFF CONTACT: Mich'l Needham/Rhoda Donkin CONTACT NUMBER: 786-7465

TITLE: Health Care Workforce Shortages

DESCRIPTION/FINDINGS/OUTCOME: Staff researched programs and initiatives for expanding the availability of primary care providers in the state. The project identified specific reasons that certain primary health care practitioners are in short supply now, including physicians, advanced registered nurse practitioners and physicians assistants. Staff compiled information on ways to expand this workforce which is projected to be insufficient into the future. Ideas include loan repayment programs, reimbursement policies, training initiatives, recruitment programs, among others.

REFERENCES: NA

STAFF CONTACT: Edith Rice/Dorine Coleman **CONTACT NUMBER:** 786-7444

Senate Higher Education & Workforce Development Committee

2009 Summary of Select Interim Activities

TITLE: Comparisons of State's Tuition Philosophies

DESCRIPTION/FINDINGS/OUTCOME: Some states have formal tuition philosophies and policies articulated in their state constitutions or codes, but Washington does not. During the last legislative session, questions were raised regarding whether those philosophies and policies actually affected college tuition in those states. Staff studied formal and informal tuition policies in other states focusing on the relationships between policies, philosophy, tuition and fees, financial aid, state support, and enrollments for each of the states. Data collection and analysis was limited by the availability of accurate and comparable data from the states and the resulting statistical analysis weaknesses.

REFERENCES: NA

STAFF CONTACT: Aldo Melchiori CONTACT NUMBER: (360) 786-7439

TITLE: Shared Governance at Colleges and Universities

DESCRIPTION/FINDINGS/OUTCOME: For a number of years, four-year college faculty have asked the Legislature to expand their governing board memberships to include a faculty representative. Legislators requested more information regarding the present roles of faculty in governance, whether other states have considered this, and if so, the success and challenges of doing so. Staff contacted resources in other states experienced with faculty on governing boards, and summarized the literature on the matter to produce a summary of the issue for use by legislators in their decision-making.

REFERENCES: NA

STAFF CONTACT: Aldo Melchiori CONTACT NUMBER: (360) 786-7439

Senate Human Services & Corrections Committee

2009 Summary of Select Interim Activities

TITLE: Homelessness Workgroup

DESCRIPTION/FINDINGS/OUTCOME: Several members of the Committee convened a small workgroup to review homelessness issues related to individuals with criminal backgrounds or mental health issues. The workgroup met several times over the interim and included participants from a variety of interest groups representing landlords, tenants, and persons at risk of experiencing homelessness. The group discussed ways to incentivize landlords to rent to atrisk populations. Proposed legislation was developed.

REFERENCES: NA

STAFF CONTACT: Shani Bauer CONTACT NUMBER: 786-7468

TITLE: Sex Offender Policy Board

DESCRIPTION/FINDINGS/OUTCOME: The Sex Offender Policy Board formed the Registration and Notification subgroup to fulfill its legislative charge to review Washington's registration and notification system for sex offenders. The group came to several recommendations and produced a report.

REFERENCES: The report can be found on its website at:

http://www.sqc.wa.gov/SOPB1/Home.htm

STAFF CONTACT: Shani Bauer CONTACT NUMBER: 786-7468

TITLE: Child Welfare Transformation Design Committee

DESCRIPTION/FINDINGS/OUTCOME: 2SHB 2106 created the Child Welfare Transformation Design Committee (TDC) to assist the Children's Administration at DSHS in converting its existing contracts with providers to performance-based contracts, and to make recommendations to the Legislature and Governor about the location and operation of two demonstration sites within which case management is to be performed by private agencies with whom the Children's Administration contracts.

The TDC met twice during the interim and created four advisory committees which met at least once a month and reported to the TDC in its December meeting. The TDC meetings are ongoing throughout 2010. Staff is monitoring and assisting the efforts of the TDC and the advisory committees.

REFERENCES: 2SHB 2106

http://www.joinhandsforchildren.org/

STAFF CONTACT: Jennifer Strus CONTACT NUMBER: 786-7316

TITLE: Suspension of Medicaid Benefits for Inmates of Jails, Prisons and Mental Hospitals

DESCRIPTION/FINDINGS/OUTCOME: In 2008, DSHS developed a five-year plan to institute suspension of Medicaid benefits for inmates of jails, prisons, and mental hospitals and to enhance the expedited eligibility determination program for the same population.

DSHS has established a Post Medical Institutional Medical Assistance (PIMA) Project in order to develop a computer system capable of implementing this program. DSHS has been meeting with stakeholders to secure approval of business requirements. This stage is scheduled for completion in January 2010. Stakeholder approval will then be sought for the design and prototype of the system in late 2010/early 2011. Staff is monitoring and assisting the efforts of the executive steering committee for this project.

REFERENCES: SSB 6024

http://www.dshs.wa.gov/pdf/ea/govrel/Leg0109/FeasibilityProvisoStudyFinal

Report.pdf

STAFF CONTACT: Kevin Black CONTACT NUMBER: 786-7747

Senate Judiciary Committee

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TITLE: Organized Retail Crime Task Force

DESCRIPTION/FINDINGS/OUTCOME: SB 6167 adjusted the monetary amounts differentiating the various degrees of property crimes in Washington State. The amounts were established in 1975 and had never been modified. The legislation also created an organized retail crime task force consisting of four Washington State legislators, representatives from large and small retail organizations, and representatives from the cities, counties, the Defense Bar, and the Prosecuting Attorneys Association. The task force also includes members from the Superior Court Judges Association and the District and Municipal Court Judges Association. The identification of policies or procedures which would enhance the successful investigation and prosecution of property crimes is one of the undertakings assigned to the task force. The task force members believe that the creation of a data base clearinghouse containing information regarding retail theft occurrences would improve prevention of retail theft and also lead to more successful prosecution. To that end, the task force is investigating how to create the data base clearinghouse and address the myriad issues surrounding its function.

REFERENCES:

STAFF CONTACT: Lidia Mori/ Kim Johnson CONTACT NUMBER: 786-7747/786-7472

TITLE: False Claims Act

DESCRIPTION/FINDINGS/OUTCOME: The False Claims Act, at the federal level, contains *qui tam*, or whistleblower, provisions. *Qui tam* is a unique mechanism in the law that allows citizens with evidence of fraud against government contracts and programs to sue, on behalf of the government, in order to recover the stolen funds. In compensation for the risk and effort of filing a *qui tam* case, the citizen whistleblower or "relator" may be awarded a portion of the funds recovered, typically between 15 and 25 percent. At least 21 other states currently have a state version of the False Claims Act.

State and local governments make numerous payments to individuals and businesses in connection with governmental contracts, programs, and services. False claims for payment may go undiscovered and a private citizen, without statutory authority, is not able to initiate an action, on behalf of an injured state governmental entity, against another party submitting a false claim for payment. Last session, SB 5144 was introduced to allow a private party in Washington to initiate an action on the governmental entity's behalf. Several stakeholder meetings were convened over the interim to work through issues raised by the Attorney General's Office, construction and the health insurance industry, as well as other constituent groups. The stakeholders group considered the federal False Claims Act, and the amendments adopted in May of 2009, as a basis for a new state law. While not all concerns that were raised during last

session and over the course of the interim meetings were resolved, the stakeholder meetings resulted in a bill draft and it will likely be introduced during the upcoming session.

REFERENCES: SB 5144

STAFF CONTACT: Kim Johnson CONTACT NUMBER: 786-7472

TITLE: Drug Overdose Prevention

DESCRIPTION/FINDINGS/OUTCOME: SB 5516 was introduced during the 2009 Legislative Session. It outlines under what circumstances a person will be immune from prosecution under the Uniform Controlled Substances Act in relation to a drug-related overdose situation. Over the interim, several stakeholder meetings were convened to work through a variety of issues raised. While not all issues and concerns were resolved, the meetings resulted in a bill draft that will likely be introduced during the upcoming session.

REFERENCES: SB 5516

STAFF CONTACT: Juliana Roe CONTACT NUMBER: 786-7438

Senate Labor, Commerce & Consumer Protection Committee

2009 Summary of Select Interim Activities

TITLE: Joint Legislative Task Force on the Underground Economy

DESCRIPTION/FINDINGS/OUTCOME: In 2007, the Legislature enacted Senate Bill 5926, which created a Joint Legislative Task Force on the Underground Economy in the Construction Industry. The Task Force met in the 2007 interim and developed findings and recommendations. The recommendations from the 2007 work led to enactment during the 2008 Legislative Session of two bills – ESHB 3122 and 2SSB 6732– and budget provisos. The 2008 legislation extended the Task Force for an additional year. During the 2008 interim, Task Force topics included a review of the 2008 legislation; Benchmark Advisory Committee activities; best practices from other states; local government data sharing and suggestions for addressing the underground economy; Department of Licensing (DOL) sunrise review of residential contractors; updates from agencies; new hire reporting; and stop work orders. In 2009, the Task Force was extended until December 1, 2009, and its focus was expanded to include the study of nonconstruction industries.

In 2009, Task Force topics included a review of the 2009 legislation; reports by the Department of Revenue on the implementation of SB 6173, reseller's permits; a review of the Master Licensing Process by the Department of Licensing; updates on underground economy activities and other agency activities by the Department of Labor and Industries, Employment Security Department, and the Department of Revenue; a review of the benchmarks established by the Benchmark Advisory Committee in conjunction with the Washington State Institute for Public Policy; a review of Oregon's Interagency Compliance Network; a review of criminal penalties for unlicensed contractor activity in selected states; discussion of priority issues for study outside the construction industry, including parcel delivery services, and the for-hire vehicle industry; a review of local government enforcement; and a review of E2SSB 5850, human trafficking. The Task Force adopted a list of recommendations which can be found in its final report which will be issued by January 30, 2010.

REFERENCES: SB 5926 (2007), 2SSB 6732 (2008), SHB 1555 (2009)

http://www.leg.wa.gov/JointCommittees/UECI/Documents/FinalReport_1-20-

2009.pdf

http://www.leg.wa.gov/JointCommittees/UECI/Documents/FinalReport_1-13-

2010.pdf

STAFF CONTACT: Kathy Buchli CONTACT NUMBER: 786-7488

Senate Natural Resources, Ocean & Recreation Committee

2009 Summary of Select Interim Activities

TITLE: Forest Health and Fire Suppression

DESCRIPTION/FINDINGS/OUTCOME: Researched and analyzed forest health and fire suppression issues. In 2007, the Legislature passed SSB 6141 requiring the Department of Natural Resources (DNR) to implement a comprehensive three-tiered program to improve forest health. DNR provides the Legislature with an annual status report and implementation strategy on its progress in implementing the requirements of SSB 6141. The 2007 Legislature also funded a DNR pilot forest health project in Stevens County to improve forest health and remove surplus fuel loads to reduce forest fire hazards in eastern Washington.

Monitored The University of Washington, School of Forest Resources' Northwest Environmental Forum focused on Eastside Forest Health. A group of federal, state, tribal and private forestland managers, in conjunction with government and conservation representatives, addressed an action strategy to restore and maintain the ecosystem services of the eastside dry forests.

REFERENCES: SSB 6141 (2007)

http://www.dnr.wa.gov/Publications/rp fh programupdate2008.pdf

http://www.nwenvironmentalforum.org/

STAFF CONTACT: Sherry McNamara CONTACT NUMBER: 786-7402

TITLE: Natural Resource Agency and Program Organization

DESCRIPTION/FINDINGS/OUTCOME: Reviewed Washington State's natural resources agency organizational structures, conducted research on the structures of natural resources agencies in other states, and monitored the development of natural resources reform recommendations by the Governor's Natural Resources Subcabinet.

The Legislature has provided certain natural resource related authorities to multiple state agencies, including the departments of Natural Resources, Fish and Wildlife, and Ecology; the State Parks and Recreation Commission; and the Recreation and Conservation Office. These agencies each manage a variety of programs and consist of varying organizational structures. The 2009-2011 Omnibus Operating Budget directed the Governor to convene an interagency work group to identify consolidation opportunities within the natural resource agencies to improve service delivery and reduce costs.

The Governor's Natural Resources Subcabinet developed ideas for natural resources reform in September 2009, and the Governor issued an Executive Order and announced several legislative proposals in December 2009.

REFERENCES: SHB 1244 (2009)

Executive Order 09-07: http://www.governor.wa.gov/execorders/eo_09-

07.pdf

Summary of Governor's Natural Resources Reform Proposals: http://www.governor.wa.gov/priorities/reform/naturalresources.asp

STAFF CONTACT: Curt Gavigan **CONTACT NUMBER:** 786-7437

Senate Transportation Committee

2009 Summary of Select Interim Activities

TITLE: SR 520 Work Group

DESCRIPTION/FINDINGS/OUTCOME: ESHB 2211 authorized tolling on the SR 520 corridor and created an SR 520 Work Group, composed almost entirely of legislators. The SR 520 Work Group met on a regular basis throughout the interim to develop a financing strategy and recommend design options applicable to projects within the SR 520 corridor. A final report is due to the Legislature and the Governor by January 1, 2010. Committee staff monitored, reviewed and reported on the progress of this process and assisted members with research as directed.

REFERENCES: ESHB 2211 - Sec. 3

http://www.wsdot.wa.gov/partners/sr520legislativeworkgroup/recommendatio

ns.htm

STAFF CONTACT: Hayley Gamble CONTACT NUMBER: 786-7452

TITLE: Tolling Studies

DESCRIPTION/FINDINGS/OUTCOME: A report on toll operations costs, with a focus on the SR 520 corridor and a new statewide tolling operations center, was submitted to the Legislature in September 2009 by the Joint Transportation Committee. Subsequently, Washington State Department of Transportation (WSDOT) incorporated many of the report's recommendations in its Request for Proposals process as WSDOT sought a vendor to operate a new tolling operations center. Additionally, WSDOT will be submitting in January 2010 reports on tolling Interstate 405, the Alaskan Way Viaduct replacement tunnel, and the I-5 Columbia River Crossing project. Committee staff attended meetings, reported on the progress of these reports, and assisted members with additional research.

REFERENCES: <u>ESSB 5352 - SEC. 204 & SEC. 306</u>

STAFF CONTACT: Hayley Gamble **CONTACT NUMBER:** 786-7452

TITLE: Streamlining Vehicle Title & Registration Statutes

DESCRIPTION/FINDINGS/OUTCOME: In the 2007-2009 Transportation Budget, the Legislature directed the Department of Licensing (DOL) to prepare draft legislation that streamlines title and registration statutes. The bill draft was required to address apparent conflicts in law, fee distribution, and other relevant issues, and had to be revenue and policy

neutral. The concept arose due to the extremely complex nature of current law and the difficulties both staff and the public have encountered in working with existing title and registration statutes. The bill draft was intended to simplify the organizational structure of the existing title and registration statutes.

In the summer of 2009, DOL submitted the draft legislation to the transportation committees of the Legislature. Due to the comprehensive nature of the draft (over 350 pages), the combined staffs of the House and Senate Transportation Committees worked with DOL and various stakeholders to review the legislation and its potential impacts prior to the start of the 2010 Legislative Session. Upon completion of this review, the legislation will be under consideration during the 2010 Legislative Session.

REFERENCES: <u>ESHB 1978 - SEC. 210(8)</u>

STAFF CONTACT: Kelly Simpson **CONTACT NUMBER:** 786-7403

TITLE: Phase 1 of JTC Revenue Study

DESCRIPTION/FINDINGS/OUTCOME: The 2009 Legislature directed the Joint Transportation Committee (JTC) to conduct a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing.

The study analyzes the feasibility and practicality of implementing funding methodologies identified in the JTC's 2007 Long-Term Transportation Financing Study, as well as other approaches identified by the committee, staff, and the consultants. The research and analysis takes into account existing and emerging funding, energy, environmental, and mobility policy objectives. The primary focus of this effort is to examine state imposed and collected transportation taxes and fees and to identify specific implementation steps for the Legislature and agencies to begin implementing viable mid-term and long-term transportation funding approaches. The final report on the study will be complete by December 31, 2009.

REFERENCES: ESSB 5352 - SEC.204(1)

http://www.leg.wa.gov/JTC/Pages/CurrentStudies.aspx

STAFF CONTACTS: Amanda Cecil CONTACT NUMBER: 786-7429

David Ward 786-7341

TITLE: Washington State Ferries Reservation System Pre-Design Study

DESCRIPTION/FINDINGS/OUTCOME: In its Draft Long Range Strategic Plan, the Washington State Ferries (WSF) recommended a reservation system to help it operate more efficiently and

to avoid large capital outlays for terminal holding areas. Per statute, funding requests must be based on a Long Range Strategic Plan and be accompanied by a pre-design study.

In the 2009-11 Transportation Budget, the Legislature directed WSF to complete a pre-design study regarding a ferry reservation system and present it to the Joint Transportation Committee (JTC). The draft report was received mid-December and is currently under review by committee staff. WSF may not implement a statewide reservation system until authorized to do so in the 2010 supplemental transportation budget.

The JTC has completed three years of study and review of all aspects of WSF. The Legislature tasked the JTC to follow up on this study during the 2009-11 biennium by monitoring implementation of study recommendations and legislative direction, and to make recommendations to the 2010 Legislature regarding an implementation plan for a reservation system.

REFERENCES: ESSB 5352 - SEC. 309(10)

http://www.leg.wa.gov/Senate/Committees/TRAN/Documents/Draft%20Vehic le%20Reservation%20System%20Predesign%20Study%2012 15 2009%2

0with%20appendices%20Low%20Res.pdf

http://www.wsdot.wa.gov/ferries/planning/vehiclereservations.htm

STAFF CONTACT: Janice Baumgardt **CONTACT NUMBER:** 786-7319

Senate Ways & Means Committee

2009 Summary of Select Interim Activities

TITLE: 2010 Citizen's Guide to the Budget

DESCRIPTION/FINDINGS/OUTCOME: The 2010 Citizen's Guide to the Budget is currently being updated by Senate Ways & Means staff along with staff from the Legislative Evaluation and Accountability Program Committee for the 2010 Legislative Session. The guide is published on an annual basis for use by legislators, 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 by the start of the 2010 Legislative Session and available with the committee, as well as online.

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

STAFF CONTACT: Devon Nichols & LEAP Committee **CONTACT NUMBER**: 786-7716

TITLE: 2010 Citizen's Guide to K-12 Finance

DESCRIPTION/FINDINGS/OUTCOME: The 2010 Citizen's Guide to K-12 Finance is currently being updated by Senate Ways & Means staff along with staff from the Legislative Evaluation and Accountability Program Committee for the 2010 Legislative Session. The guide is published on an annual basis for use by members, legislative staff, and the general public to answer frequently asked questions about K-12 finance. It is anticipated that the guide will be published by the start of the 2010 Legislative Session and available with the committee, as well as online.

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

STAFF CONTACT: Elise Greef & LEAP Committee CONTACT NUMBER: 786-7708

TITLE: 2010 Legislative Guide to Washington State Property Taxes

DESCRIPTION/FINDINGS/OUTCOME: The 2010 Legislative Guide to Washington State Property Taxes has been updated by Senate Ways & Means staff for the 2010 Legislative Session. The guide is published on an annual basis for use by legislators, legislative staff, and the general public to answer basic questions about the Washington State Property Tax System. The guide is published and available to the committee, as well as online.

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

STAFF CONTACT: Dianne Criswell **CONTACT NUMBER:** 786-7433

TITLE: 2009 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 2009. 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 budget documents.

REFERENCES: http://leap.leg.wa.gov/leap/budget/lbns/2009toc_links.pdf

STAFF CONTACT: Ways & Means Committee Staff **CONTACT NUMBER:** 786-7715

TITLE: State Institution Closure Feasibility Study

DESCRIPTION/FINDINGS/OUTCOME: The 2009-11 operating budget directed the Office of Financial Management (OFM) to contract for a feasibility study for closing state institutional facilities and eliminating beds in the state institutional facility inventory through facility closure or consolidation. The report will recommend a plan to eliminate 1,580 beds in the Department of Corrections facilities, 235 beds from Green Hill School or Maple Lane School in the DSHS-Juvenile Rehabilitation Administration system and 250 beds from the residential habilitation centers in the DSHS Division of Developmental Disabilities.

OFM contracted with Christopher Murray and Associates for the analysis. The final report recommends:

- downsizing McNeil Island Corrections Center to a minimum custody facility housing 512 offenders rather than 1,273;
- closing Ahtanum View Corrections Center;
- closure of one living unit at Larch Corrections Center;
- closure of Maple Lane School;
- close Frances Haddon Morgan Center and Rainier Valley School; and
- convert Lakeland Village, Fircrest School, and Yakima Valley into three community support centers

REFERENCES: ESHB 1244 SECTION 130(3)

http://www.ofm.wa.gov/facilities/default.asp

STAFF CONTACT: Richard Ramsey **CONTACT NUMBER:** 786-7412

Megan Atkinson 786-7446

TITLE: Law Enforcement Academy Evaluation

DESCRIPTION/FINDINGS/OUTCOME: The 2009-11 capital budget directed the Office of Financial Management (OFM) to contract with the Police Executive Research Forum to conduct an analysis of options for delivering basic law enforcement training to local law enforcement agencies and the Washington State Patrol (WSP). The steering committee assisting the consultant met several times and toured the Criminal Justice Training Commission (CJTC) Basic Law Enforcement Academy in Burien, the WSP Academy in Shelton and the Oregon Department of Public Safety Standards and Training in Salem.

The consultant's final report submitted to OFM concluded that Washington should:

- maintain a centralized approach for basic police training;
- increase the funding stream for the CJTC through a surcharge on infractions and convictions, requiring agencies sending recruits to the CJTC to cover a portion of the costs and implementing a form of student pay; and
- consider consolidating basic police training and the CJTC Burien campus and mothballing significant parts of the WSP Shelton campus.

Additional analysis, including analysis of benefits and costs, is necessary before pursuing any of these conclusions. OFM has not transmitted the final report to the Legislature.

REFERENCES: ESHB 1216 Sections 1057 and 2001

STAFF CONTACT: Richard Ramsey **CONTACT NUMBER:** 786-7412

Jenny Greenlee 786-7711

TITLE: Summary of Initiative 1033

DESCRIPTION/FINDINGS/OUTCOME: Staff prepared a summary of the provisions and effects of Initiative 1033 in response to specific questions about the initiative and provided for legislative purposes.

REFERENCES: http://www.leg.wa.gov/Senate/Committees/Documents/Initiatives

/2009/1033Summary.pdf

STAFF CONTACT: Dianne Criswell CONTACT NUMBER: 786-7433

Dean Carlson 786-7305

TITLE: Joint Legislative Task Force on School Construction Funding

DESCRIPTION/FINDINGS/OUTCOME: The 2009-11 capital appropriations bill, Engrossed Substitute House Bill (ESHB) 1216, Chapter 497, 2009 Laws PV, extended the operation of the Joint Legislative Task Force on School Construction Funding (Task Force). The Task Force, consisting of six members, including a member from each caucus of the Senate, was directed by proviso to explore: 1) whether to change the state assistance ratio used in the school construction assistance grant program formula, 2) methods to accommodate specialized program space, and 3) potential ways to account for regional cost differences in the school construction assistance grant program formula.

Senator Karen Fraser and Senator Dale Brandland were appointed to the Task Force, with Senator Fraser serving as Chair. The Task Force met three times during 2009: September 30, October 27, and December 2. In addition to their work on the three topics specified by proviso, the group heard and discussed two state agency study reports: the Joint Legislative Audit and Review Committee pilot study of a facility-condition and inventory system for K-12 public school facilities; and the State Auditor's Performance Audit Report, *Opportunities for the State to Help School Districts Minimize the Costs and Interest Paid on Bond Debt.*

The Task Force made 13 recommendations and submitted its final report and recommendations on December 23, 2009. Meeting agendas, materials, and the group's final report and recommendations can be found at the committee website.

REFERENCES: Chapter 497 Laws of 2009

http://www.leg.wa.gov/jointcommittees/K12SCF/Pages/default.aspx

STAFF CONTACT: Elise Greef CONTACT NUMBER: 786-7708

TITLE: Funding Formula Technical Working Group

DESCRIPTION/FINDINGS/OUTCOME: In 2009, the Legislature directed the Office of Financial Management, with the Office of the Superintendent of Public Instruction, to convene a Work Group to develop details for the K-12 prototypical school funding formulas outlined in ESHB 2261, recommend an implementation schedule for phasing in any increases in program and funding, and examine possible sources of revenue to support K-12 program and funding increases. The Working Group met nine times between August and December, with additional meetings held by ad hoc subgroups. The Working Group reviewed the components of the new prototypical school model; discussed the distribution methodology for individual elements of the model; determined the values in the model that represent current or baseline funding; ranked the implementation priorities; and identified revenue options.

REFERENCES: ESHB 2261

http://www.ofm.wa.gov/k12funding/report.pdf

http://www.ofm.wa.gov

STAFF CONTACT: Elise Greef CONTACT NUMBER: 786-7708

Susan Mielke 786-7422

Additional Electronic Resources

Senate Website

Senate Committee Services Website

2009 Interim Work Plan and Meeting Schedules

2009 Bills Passed During the 2009 Legislative Session

TVW Archives