



WSSC 2016 LEGISLATIVE SESSION OVERVIEW

After a sixty day regular and twenty day special session, the 2016 legislative session adjourned on March 29, 2016.

The narrow split in both the House and the Senate between Democrats and Republicans has made it difficult for lawmakers to accomplish their work. The House Democrats have a 50 to 48 majority and the Senate Republicans are holding a 25 to 24 advantage.

In an interesting move, Governor Inslee warned legislators he would veto bills if they did not finish their work at the end of the regular session. They did not end on time, and he vetoed twenty-seven bills, all of which were non-controversial. In the special session, the legislators overrode all of the vetoes.

When the session began, legislators were confronted with the need to provide funding for the items that were not sufficiently funded in 2015-2017 biennial budget, including the large caseload increases in state programs, and the costs of the devastating wildfires. Though the legislature must address a variety of court mandates - the largest of which concerns basic education funding – some legislators were unwilling to appropriate the funding in the supplemental budget. The state's Supreme Court decision in McCleary requires full funding of K-12 education by the 2018-2019 school year. A bill was passed to require a work group to develop a plan for 2017-2019 budget to meet the court requirement.

There are several court cases that found the state deficient in how it treats those with mental illness. Earlier this year, the federal government threatened to close down the state's psychiatric hospitals unless significant improvements were made. Some funding was allocated for the hospitals and for mental health programs.

In response to other lawsuits funding was also provided for home care overtime, and state employee benefits. The charter school case was resolved by exchanging education legacy account funds for common school education funds.

Legislators did not have to address I-1366, which had passed in November as it was struck down by a King County Superior Court judge in January. The initiative would have forced a devastating cut of one full percentage point to the state sales tax - amounting to a \$1.5 billion loss - unless the legislature had placed a constitutional amendment on the November ballot, requiring a super-majority legislative vote to raise taxes. The decision has been appealed to the State's Supreme Court.

Looking ahead, capitol insiders are predicting a very long 2017 legislative session due to the delays in confronting the budget challenges. The 2017-2019 budget will require new funding to meet the 2018 deadline in the McCleary decision and to meet the mandates outlined in other court decisions. The 2017 session follows the 2016 elections when all nine statewide offices, 98 House seats and 25 Senate seats are to be decided.

BUDGET

PRINCIPLES

A balanced, bipartisan, and just agreement will require shared sacrifice by all, including raising adequate revenues... We again offer moral criteria to help guide these difficult budgetary decisions: 1) Every budget decision should be assessed by whether it protects or threatens human life and dignity. 2) A central moral measure of any budget proposal is how it affects

“the least of these” (Mt 25). The needs of those who are hungry and homeless, without work or in poverty should come first. 3) Government and other institutions have a shared responsibility to promote the common good of all, especially ordinary workers and families who struggle to live in dignity in difficult economic times.

– USCCB Committee on Domestic Justice and Human Development, 2013

2016 SUPPLEMENTAL OPERATING BUDGET: During even-numbered years, the legislature may change the funds allocated in the biennial capital, operating, and transportation budgets. This year’s supplemental operating includes about \$191 million in new spending from general revenues and \$190 million from the Budget Stabilization Account (“rainy day” funds) to pay for last year’s wildfires. Below are the budget highlights of issues followed by the WSCC.

PRIMARY AND BEHAVIORAL HEALTH:

- Health Care Authority - \$608,000 for Partnership Access Line (PAL) to provide child mental health support for primary care providers in rural areas
- Department of Health - \$100,000 to develop suicide awareness and prevention education and create a safe homes project (HB 2793)
- Department of Health - \$1.7 million and \$260,000 to the Liquor and Cannabis Board to provide for the regulation, enforcement, education and intervention strategies, as well as licensing of vapor products (SB 6328)
- Department of Health - \$230,000 is provided for a maternal mortality review panel (SB 6534)
- DSHS Mental Health - \$2.7 million for housing support and step-down services teams for individuals exiting in-patient programs or persons at risk of entering in-patient services.
- DSHS Mental Health - \$1.76 million is provided for the peer bridging pilot project. These teams work with state hospital liaison teams to help individuals returning to their communities.
- DSHS Mental Health - \$3 million increase in federal funding expenditure authority is provided for grants to community mental health services

CHILD WELFARE:

- Office of Financial Management - \$300,000 is appropriated to establish the Blue Ribbon Commission on Delivery of Services to Children and Families. The Commission will develop recommendations on creating a separate State Department of Children and Families
- DSHS Children and Family Services - \$1.2 million is appropriated to increase rates by 18 percent for child-placing agencies
- Department of Early Learning - \$2.1 million appropriated to the ECLIPSE program, providing treatment and intervention child care to children with significant developmental, behavioral and mental health challenges

HOUSING:

- Department of Commerce - \$420,000 for twenty shelter beds for young adults, 18-24 years old
- Department of Commerce - \$6.6 million in expenditure authority for Consolidated Homeless Grants. \$787,000 is specifically set aside for homeless youth
- Department of Commerce - \$1 million is provided for twenty-three new HOPE beds that are for temporary residential placements for homeless youth under the age of eighteen
- Department of Commerce - \$800,000 is appropriated for street youth services, including drug and alcohol abuse intervention, counseling, emergency housing etc.

SCHOOLS:

- Department of Health - \$511,000 for a medical record validation tool for schools to check on student immunizations
- Department of Commerce - \$1 million is provided for grants to school districts to increase identification of homeless students and building capacity to provide supports (HB 1682)

- Superintendent of Public Instruction - \$1 million is appropriated for a grant program for schools to identify and support homeless students
- Superintendent of Public Instruction - \$276,000 for school safety training and regional programs (SB 6620)
- Superintendent of Public Instruction - \$500,000 million for the initiative to increase the number of educators through recruitment and retention programs (SB 6455)
- Superintendent of Public Instruction - \$1.75 million for the professional development of paraeducators
- Student Achievement Council (Higher Education Board) - \$1.1 million for implementation of the program to increase the number of educators (SB 6455)
- Department of Early Learning - \$3.8 million is provided to family child care providers for the newly negotiated collective bargaining agreement that provides subsidy increases, support for slot-based payments, and an increase in tiered reimbursements. Child care centers serving families with subsidies were not provided the same increases

AGING AND DISABILITIES:

- DSHS Aging and Disabilities - \$65.4 million for individual provider home care overtime (HB 1725)
- DSHS Aging and Disabilities - \$1.5 million to increase the number of home visits for clients with the highest risk of experiencing abuse or neglect
- DSHS Aging and Disabilities - \$202,000 in federal grant dollars to improve the adult protective services program
- Department of Commerce - \$572,000 to implement the Washington Achieving a Better Life Experience program (ABLE) (HB 2323)
- Department of Commerce - \$693,000 is provided for the creation of an Office of Developmental Disabilities Ombudsperson

CRIMINAL JUSTICE:

- Department of Commerce - \$197,000 is appropriated to create the Washington Statewide Reentry Council to promote successful reentry of offenders after incarceration
- DSHS Division of Juvenile Rehabilitation - \$250,000 is provided for juveniles in need of residential treatment for substance abuse, mental health or co-occurring disorders (HB 2746)
- Department of Corrections – DOC is given the authority to implement postsecondary degree programs for inmates in state institutions, within existing appropriations

ECONOMIC JUSTICE:

- Department of Labor and Industries - \$451,000 is provided for additional staff to handle wage theft cases
- DSHS Economic Services - \$8 million is provided to family child care providers for the newly negotiated collective bargaining agreement that provides subsidy increases, support for slot-based payments, and an increase in tiered reimbursements. Child care centers serving families with subsidies were not provided the same increases
- DSHS Economic Services - \$376,000 to enable ESA to assist clients with obtaining Medicaid eligibility determination
- DSHS Economic Services - The supplemental budget reduces the TANF program by \$48.7 million

FOR FUN: Department of Enterprise Services - \$4,000 provides for a grant award in a community or technical college student competition regarding the gnomon for the state's capitol campus sundial. *(I had to look this up. The “gnomon” is the projecting piece on a sundial that shows the time by the position of its shadow)*

2016 SUPPLEMENTAL CAPITAL BUDGET: The supplemental capital budget makes new appropriations of \$95.4 million. Mental health facilities were a key focus of both the House and Senate, with DSHS receiving \$7.9 million for existing institution-based facilities (Eastern and Western State Hospitals, Echo Glen). The Department of Commerce will be provided new funding for community-based mental health facilities, including \$7.5 million for development of facilities that provide for diversion/transition of patients from state hospitals. \$5

million was added to the original \$5.5 million in competitive grants for establishing community behavioral health beds.

In addition, \$6 million is allocated for mental health housing health homes projects in Bellingham and Everett, (Catholic Community Services), southwest and eastern Washington that serve people with severe health, mental health and housing challenges, \$2.25 million is allocated for supportive housing and emergency shelters in North Spokane, Kirkland, and Bellevue. Catholic Community Services will be involved with the project in Kirkland. \$2.5 million is provided for homeless youth facilities in Seattle and Everett and \$100,000 for a study on available housing opportunities for veterans experiencing homelessness.

2016 REVENUE: Since the biennial budget was adopted last year there has been \$270 million in additional revenue for the current biennium, primarily from forecast updates. At the same time, projected maintenance level costs increased by \$203 million, primarily due to caseload increases.

REVENUE BILLS THAT PASSED

Budget Stabilization Account - House Bill 2988: The Budget Stabilization Account, commonly known as the Rainy Day Fund, is an account established in the State Constitution. Each fiscal year, 1 percent of general state revenue is deposited into the account. In addition, if the state revenue growth reaches a certain level, three-fourths of that “extraordinary” revenue is deposited into the account. Funds may be appropriated from the account under certain circumstances, including when the Governor declares a state of emergency. HB 2988 appropriated funding from the Budget Stabilization Account for fiscal year 2016 to pay for fire suppression costs.

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WSCC 2016 LEGISLATIVE REPORT CATHOLIC SCHOOLS

PRINCIPLES

Parents—the first and most important educators—have a fundamental right to choose the education best suited to the needs of their children, including public, private, and religious schools. Government, through such means as tax credits and publicly funded scholarships, should help provide resources for parents, especially those of modest means, to exercise this basic right without discrimination. Students in all educational settings should have opportunities for moral and character formation consistent with the beliefs and responsibilities of their parents.

- Forming Consciences for Faithful Citizenship, USCCB, 2015

K-12 SCHOOLS - BILLS THAT PASSED

Defining Professional Learning - House Bill 1345: The Washington State Institute for Public Policy recently conducted a research project on educator professional development that found general programs for teachers such as workshops, seminars and conferences do not have a positive benefit-to-cost ratio in terms of improving student achievement. Professional development that is focused on improving teaching in a specific academic content area such as mathematics, reading, or science does show benefits. In 2015, the federal Every Student Succeeds Act (ESSA), the reauthorization of the Elementary and Secondary Education Act, was signed into law and provides a formal definition of professional development. These programs are aligned with academic goals, and provide educators with the skills to help all students succeed. **HB 1345** provides a state definition of professional learning as a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. The bill also describes effective professional learning, and specifies content, context, and process standards.

Educational Opportunity Gap - House Bill 1541: Since 2009, the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) has been providing the legislature policy recommendations and strategies to close the state's achievement gap. The term “opportunity gap” acknowledges there are still structural issues with institutionalized racism, disparate educational opportunities, and different treatment experienced by students of color. However, opportunity gaps can and have been closed through careful analysis of disaggregated student data, targeted strategies to provide equal opportunities to all students, and meaningful partnerships with communities and families. Though a number of the Committee's recommendations have resulted in policy changes, they continue to review the data and provide further policy options to legislators. **HB 1541** prohibits school districts from suspending educational services and prohibits long-term suspension or expulsion as a form of discretionary discipline, limits all suspension or expulsions, and requires a reengagement meeting that includes the student's family. The bill also requires development of cultural competence training for all school staff and requires teachers assigned to the Transitional Bilingual Instruction Program to be endorsed in Bilingual Education or English Language Learner beginning in 2019-20. The Department of Early Learning (DEL) is required to create a community information and involvement plan to inform early learning providers of the Early Achievers program. **HB 1541** establishes the Washington Integrated Student Services Protocol (WISSP) in OSPI to support a school-based approach to promoting student success by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment.

Homeless Students - House Bill 1682: In February of this year, OSPI reported that the number of homeless students was continuing to rise as the data from the previous year showed more than 35,000 homeless students in public schools. Specific reasons for the increase are difficult to determine at the state level. Many community factors – lack of affordable housing options, unemployment or under-employment, available local services – may contribute. **HB 1682** establishes a competitive grant pilot program for school districts to increase identification of homeless students and the capacity to provide support. It also establishes a grant program that links homeless children with stable housing. **HB 1682** also codifies data collection and reporting on homeless children by OSPI and adds inclusion of the number of identified homeless students of color and reporting the number of unaccompanied students per district on the state's report card website.

Truancy Reduction - House Bill 2449: In “The Silent Epidemic: Perspectives of High School Dropouts” study, commissioned by the Bill and Melinda Gates Foundation, researchers found there is no single reason why students drop out of high school. Respondents reported a number of different reasons, including a lack of connection to the school environment, a perception that school is boring, feeling unmotivated, having academic challenges, and the weight of real world events. But the researchers also concluded that indications are strong these barriers to graduation are not insurmountable. There is a strong link between school unexcused absences and student drop-outs. OSPI's latest report shows the drop-out rate in Washington is 12.3 percent. The state's truancy laws were re-written in 1995 in the Becca Bill, a set of laws aimed at addressing truancy, at-risk youth, and children in need of services. State Becca laws and appropriations were designed to keep at-risk kids, including those struggling with school attendance, from falling through the cracks. Since its passage, many school districts and courts have found the truancy law unworkable and expensive, while families and children's advocates found the law overly punitive. **HB 2449** provides court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy by requiring schools to regularly provide information to parents and students about the benefits of regular attendance, school expectations, resource availability, school responsibilities, and consequences of truancy. School districts must schedule a family conference with elementary school parents with children who have excessive excused absences. The purpose is to identify the barriers to regular attendance and the resources that may be made available to the family so the child is able to regularly attend school. Approaches for unexcused absences must be data-informed and rely on the Washington Assessment of the Risks and Needs of Students (WARNS). By September 2017, juvenile courts and school districts must establish a coordinated and collaborative approach, including the use of Community Truancy Boards, to address truancy.

Sexual Abuse Response Plans - House Bill 2597: According to recent U.S. statistics, over 770,000 children are victims of child abuse and neglect each year. Without protection, support and recovery, victims are often left with

life-long negative impacts. Research by the Committee for Children indicates one of the most effective ways to protect and support children is training the adults around them, including school staff and caregivers. Teaching students skills can also support recovery. Legislation adopted in 2013 requires school districts to adopt a plan for the recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, and youth suicide. School districts are required to annually provide the plan to all district staff. **HB 2597** modifies the provisions required in the plans for the recognition, initial screening, and response to emotional or behavioral distress in students that school districts must adopt. In addition to recognizing, screening, and responding to emotional or behavioral distress in students for possible substance abuse, violence, and youth suicide, the plan must also include provisions for indicators of possible sexual abuse. The plans must also address protocols and procedures for communication with parents and guardians, including specific parental notification requirements for alleged sexual misconduct by a school employee, and how the district will provide support to students and staff after allegations of sexual abuse. The plan must include how staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, and how the district will provide staff training on the obligation to report physical abuse or sexual misconduct to the appropriate school administrator.

Professional Educator Workforce - Senate Bill 6455: The Professional Educators Standards Board recently reported the number of public school teachers leaving the profession is higher than ever as the teaching corps ages and as teachers in their first five years find employment with higher salary levels. The annual attrition rate averaged approximately five percent in 2002-2014. However, the 2014-2015 school year attrition is almost 7 percent. As enrollment increases and policy changes such as all-day kindergarten are adopted, the pressure to increase the workforce is growing. Catholic schools have also felt the same pressures, with the addition of attrition due to teachers leaving for public schools. To assist with this shortage of teachers, **SB 6455** will allow recently retired teachers to serve as teachers or substitutes without penalties on pension benefits and will expand the alternative route to teacher certification programs. The bill also requires OSPI to develop and implement a comprehensive initiative to increase the number of qualified individuals who apply for teaching positions in Washington, including recruiting activities and hiring services. **SB 6455** requires the PESB to develop a method to compare the rigor of the Washington professional certificate process with the advanced level teaching certification process of other states and with federal or state teacher certification processes that allow individuals to teach internationally. Out-of-state teachers with at least five years of experience and meeting eligibility requirements, will be provided Washington teacher certification. Legislators recognize the changes made in **SB 6455** may not provide the number of teachers needed, so it is expected the funding task force for the McCleary lawsuit on basic education funding will take up the issue of workforce development.

Charter Schools as Public Non-common Schools - Senate Bill 6194: In 2012 Washington voters approved Initiative 1240, known as the Charter Schools Act. This came after several failed legislative attempts to establish charter schools. I-1240 allowed for up to 40 new public charter “common” schools open to all children free of charge. The schools were to be exempt from most of the statutes and rules public schools are required to follow, but are mandated to meet state learning requirements. Charter schools are authorized and regulated by either the quasi-governmental Washington Charter School Commission (established by the Act) or by local school districts. Funding was provided through the K-12 apportionment, just as public schools are funded. In 2015 the state’s Supreme Court ruled I-1240 unconstitutional, finding that charter schools are not common schools, which triggered a loss of state funding. As a result, it was expected the charter schools would close. **SB 6194** re-establishes a charter schools system in statute, with charters created separately from the common school system, and funded with revenues from the Washington Opportunity Pathways Account, an account funded by lottery revenues. Numerous modifications are made to the court-invalidated charter school statutes, including prohibiting local school levy funds from being used for charter schools, prohibiting the conversion of common schools into charter schools, and adding the Superintendent of Public Instruction and the Chair of the State Board of Education to the membership of the Washington State Charter Commission.

Safe Technology Use in Schools – Senate Bill 6273: According to a Pew Research study, ninety-three percent of teens between the ages of twelve and seventeen go online. The Internet is part of everyday life and the younger generation is experiencing it often without any guidance. . In 2008 OSPI produced the K-12 Educational Technology Learning Standards and assessments for educational technology literacy and technology fluency. The standards are based on student knowledge of integration and digital citizenship. Digital citizenship is defined as appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security. **SB 6273** requires OSPI to develop best practices on instruction in digital citizenship, internet safety, and media literacy. The best practices must include instruction that guides students in thoughtful, safe, and strategic uses of online and other media resources. OSPI will also develop best practices on how to apply critical thinking skills when consuming and producing information. Beginning in the 2017-2018 school year, districts are required to annually review policy and procedures on electronic resources and internet safety.

Basic Education Obligations/McCleary Funding Plan - Senate Bill 6195: In 2012 the State Supreme Court ruled the state is in violation of its constitutional “paramount duty” and that the state has not complied with its duty to make ample provision for the education of all children in Washington State. Additionally, the court retained jurisdiction over the case to ensure that its ruling is enforced, and the state fully funds K-12 education by 2018. Since the ruling, legislators have provided additional funding for basic education, but they have not fully satisfied the requirements laid out in the opinion. In September 2014, the court held the state in contempt for failing to make the progress it had promised, and in August 2015 fined the state \$100,000 a day until it complied. **SB 6195** creates the Education Funding Task Force (EFTF) to continue the work of implementing the program of basic education. The EFTF will consider key issues impacting both funding and delivery of basic education programs including compensation, teacher shortages, educator recruitment and retention programs, and local levies. Recommendations must be submitted to the legislature by January 9, 2017.

K-12 SCHOOLS - BILLS THAT DID NOT PASS

School Meal Programs – House Bill 2964: The Department of Social and Health Services (DSHS) Economic Services Administration reported in April 2016 that more than 500,000 Washington families are receiving food assistance. There are two school-based child nutrition programs subsidized by the federal Department of Agriculture and administered by the state to provide healthy food to children. Both the National School Lunch Program and the School Breakfast Program provide nutritionally balanced, low-cost or free meals to eligible students in public and nonprofit private schools. To qualify for free meals, a student's family's income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals (up to 40 cents per lunch). Students whose families earn more than 185 percent of the poverty level pay full price, but the meals in all cases are federally subsidized to some extent. Concerns have been raised by schools that families are struggling to meet the cost of the co-pays, so students in this category are either going hungry or the schools are picking up the costs at a time when school district budgets are tight. **HB 2964** would have eliminated co-pays starting in the 2016-2017 school year for students qualifying for reduced-price meals.

Curriculum for the Prevention of Sexual Abuse - House Bill 2183: In 2015 DSHS Child Protective Services received reports that alleged the sexual abuse or sexual exploitation, or both, of 2,603 children. Youth victimization has been linked with mental health problems and delinquent behavior. For several years the WSCC worked with key legislators to have bills introduced that would have required schools to provide training for all students on the prevention of sexual abuse. More than half of the states have adopted what is being called "Erin's Law," named after a child sexual abuse survivor and activist Erin Merry. The legislation in these states requires the study or development of age-appropriate child sexual abuse identification and prevention. **HB 2183** would have established an Erin's Law Task Force for the purpose of creating and implementing a prevention of sexual abuse curriculum for students in grades K-12. The school districts would have been required to implement this curriculum for students in grades K-12, beginning in the 2017-2018 school year.

School Bus Tolls - Senate Bill 6643: There are five locations in western Washington where the legislature has authorized the collection of tolls. Both the legislature and the State Transportation Commission have established exemptions to the tolls for certain types of vehicles, including transit buses and carpool vehicles in some locations. The Department of Transportation considers school buses exempt from the tolls in some locations but not all. **SB 6643** would have required the Transportation Commission to provide an exemption from all tolled facilities for school buses.

Future Teachers Conditional Scholarship - Senate Bill 6097: The Future Teachers Program was started in 2004 to recruit and support students and paraeducators into the teaching profession and to encourage current teachers to obtain additional endorsements in teacher shortage subjects, such as math, science and special education. The recipients of the conditional scholarships and loan repayments must agree to teach in an approved educational program in Washington public schools. The state will forgive one year of scholarship or loan obligation for every two years a recipient teaches in an approved educational program in Washington State public schools. Legislators have been reluctant to extend the program to private school teachers despite WSCC's advocacy efforts. **SB 6097** would have The Future Teachers program modified to focus exclusively on increasing the number of early elementary teachers teaching in kindergarten through third grade in Washington. In return for the conditional scholarship or loan repayment, recipients agree to teach in any grade, K-3, in Washington State public schools. **SB 6097** would have amended the law to extend the future teachers conditional scholarship and loan repayment program to increase the number of early elementary teachers.

Student Mental Health - Senate Bill 6243: Recent legislative focus on youth suicide has resulted in state laws requiring Educational Service Districts (ESDs) to develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral. Individuals certified by the Professional Educator Standards Board, such as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on youth suicide screening and referral as a condition of certification. **SB 6243** would have required the ESDs to work with the UW suicide prevention collaboration to develop a two-day youth suicide prevention training program for middle and high school administrators, teachers, counselors, psychologists, social workers, and parents or guardians. The training program would have included developmentally appropriate, evidence-based curriculum and programs, parent and peer education, strategies to create school environments with a focus on social and emotional needs, and basic training for teachers and students in how to recognize and support a student who may be struggling.

Breakfast After the Bell – House Bill 1295: According to the U.S. Department of Agriculture (USDA) 15.3 million children in this country live in households where they are unable to consistently access enough nutritious food. Over half the public school students in the U.S. are from low-income families. For the 2014-15 school year, over 471,000, or forty-four percent, of the state's public school students were reported as eligible for free and reduced price meals, but Washington ranks forty-third in the nation for the number of low-income children who participate in school breakfast. Breakfast After the Bell programs allow breakfast to be directly delivered to classrooms, distributed via kiosks, and/or served during an extended break. **HB 1295**, supported by the WSCC, would have required high-needs schools, those with an enrollment of 70 percent or more students eligible for free and reduced price meals, to offer school breakfast after the beginning of the school day. The period of time students spend eating after the bell would count toward minimum instructional hours, as long as educational activities are provided concurrently with breakfast. Grants would have been provided to these schools for start-up costs.

Retired Teachers as Substitutes - House Bill 1737: A recent survey conducted by OSPI found that ninety percent of principals are struggling to find qualified teachers and substitutes for their classrooms and eighty percent had employed individuals with emergency teaching certificates as classroom teachers or as long-term substitutes. Seventy-four percent of the principals reported they had been required to cover classes because a substitute was not available and twenty-nine percent reported they have teacher positions that are not filled. One of the short-term solutions suggested is increasing the substitute pool by allowing recently retired educators to serve as substitutes. **HB 1737** would have allowed certain retired teachers to receive their pensions while

working up to 216 hours per year as a substitute teacher in an instructional capacity, even though they retired under early retirement provisions that would otherwise immediately suspend pension benefits upon employment.

Creating Standards and Certification for Paraeducators – Senate Bill 6408: Many Catholic schools have paraeducators working under the supervision of a certificated staff member to support instructional services in the classroom. Currently, there are no required standards on educational qualifications for paraeducators. **SB 6408** would have set a standard definition for paraeducators and provided foundational employment standards for basic education paraeducators, and specialized standards for paraeducators who work in English Language Learners and special education programs. The bill would have also established a paraeducator professional development system and created a permanent paraeducator advisory board in OSPI.

EARLY LEARNING - BILLS THAT PASSED

School-Age Child Care Definition - Senate Bill 6371: For years, the prohibition on accepting custody of children has required before and after-school programs to be licensed. **SB 6371** removes the language prohibiting acceptance of custody, and allows approved schools to run school-age, before and after-school programs for their students without a license from DEL. Schools serving children with state support through Working Connections Child Care will continue to be required to license their program. Schools may voluntarily license their program and participate in the state's quality rating system.

Child Care Licensing Requirements - House Bill 2511: DEL is responsible for establishing licensing requirements for child care centers. The rules establish a staff to child ratio based on the age of the children. Child care center directors have expressed concerns about the school-age limitation for mixed groups, specifically as it relates to hiring extra staff in order to serve five-year olds enrolled in school in a separate group from the five-year olds not attending elementary school. A waiver may be requested, but directors are concerned about the time required to prepare and submit the waiver, and DEL's processing time. During that time these centers have to employ extra staff to stay in compliance with their license requirements. **HB 2511** requires that for children ages sixty months through six years, DEL must not use school enrollment status as a reason to require a child be placed within a specific mixed-age group. This bill also, modifies the definition of "school-age child" to include children through twelve years of age for the purposes of child care.

EARLY LEARNING - BILLS THAT FAILED

DEL Access to Records and Personal information of Child Care Workers - House Bill 2621: DEL conducts background checks to find and evaluate any history of arrests, convictions, negative actions, or other information that raises concern about an individual's character, suitability, or competence to care for or have unsupervised access to children in care. This is a state law and a requirement to receive federal Child Care and Development Block Grant funds. Currently, DEL accesses DSHS records to use in the background checks. The DSHS Children's Administration (CA) investigates allegations of child abuse and neglect. After receiving a child abuse or neglect report, the CA must determine whether to investigate the allegation. Some reports of child abuse or neglect CA determines to be not credible and are not referred for investigation. In 2007, legislation supported by the WSCC, was adopted that required DSHS to expunge all records relating to child abuse and neglect referrals for screened out referrals within three years from receipt of the report and for unfounded and inconclusive referrals within six years of completion of the investigation. To date, DSHS has failed to expunge these records. **HB 2621** would have given DEL the authority to obtain all records, reports, and personal information concerning child abuse or neglect from DSHS for the purposes of conducting background checks on all individuals who have unsupervised access to children in child care and expanded the definition of juvenile justice or care agency to include the DEL for the purposes of conducting investigations and backgrounds checks. The bill would have also eliminated the requirement that the DSHS destroy records concerning screened out, unfounded, and inconclusive reports of child abuse and neglect. The WSCC raised concerns about **HB 2621** and will participate in an interim work group to address these issues.

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WSSC 2016 LEGISLATIVE REPORT CHILDREN AND FAMILIES

PRINCIPLES

The “home” represents the most precious human treasures, that of encounter, that of relations among people, different in age, culture and history, but who live together and together help one another to grow. For this reason, the “home” is a crucial place in life, where life grows and can be fulfilled, because it is a place in which every person learns to receive love and to give love. –Pope Francis, Address during visit at the homeless shelter, Dono Di Maria, 2013

BILLS THAT PASSED

Foster Youth Educational Outcomes – House Bill 1999: Research studies evaluating education outcomes document graduation rates, dropout levels, and assessment scores that identify foster youth as one of the most at-risk groups for poor school outcomes. Catholic Charities of Yakima, working through the Department of Social and Health Services, has provided a successful program (SetUp) that works to improve education outcomes and provide support for transition of youth aging out of the child welfare system. **HB 1999** moves responsibility for the educational coordination program from DSHS to the Office of the Superintendent of Public Instruction and the Washington Student Achievement Council (higher education board). The intent is to improve graduation rates, increase foster student enrollment and completion in postsecondary education. Administration of the program will be done by a nongovernmental organization. The resulting contract must be outcome-driven with the stated goal of reducing educational barriers to youth success.

Foster Parents and Dependency Hearings – House Bill 2591: The Department of Social and Health Services (DSHS) may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or lack of adult capable of caring for the child. Once a child is found dependent, the court conducts periodic reviews and makes determinations about the child's placement and the parent's progress in correcting parental deficiencies. After a period of time, if the parent fails to take corrective measures needed to allow the child to return home safely, the court can eventually terminate the parent's parental rights. **HB 2591** requires DSHS to provide foster parents, pre-adoptive parents, and caregivers with timely and adequate notice of their right to be heard before each dependency court proceeding. The bill requires the court to make written findings for the record regarding whether these notifications occurred, whether the court received a caregiver's report, and whether the court provided the foster parents, pre-adoptive parents, or caregivers an opportunity to be heard.

Host Homes Programs - House Bill 2440: In Washington State, foster care homes and foster parents are licensed through the Division of Licensed Resources (DLR) at DSHS Children's Administration. Individuals may also apply to Child Placing Agencies, which are licensed with DLR to supervise foster homes. Licensed foster parents must meet specific requirements and complete extensive training and background checks. In Washington there are also programs known as "host homes." These programs recruit and train families to provide temporary homes to youth or families in crisis. These host homes and host home programs have not been licensed by the DLR. **HB 2440** exempts host home programs from licensing as long as they are a tax-exempt organization that screens homes and does not serve children in the child welfare system. The host home programs are required to conduct background checks on the families, obtain permission from the parent or guardian for the youth to participate, and provide case management services for the youth. All programs must be registered with the Secretary of State. By July 1, 2017, the Department of Commerce shall provide a report to the Governor and the legislature that includes recommendations and best practices for host home programs.

BILLS THAT DID NOT PASS

One Family One Team Demonstration – House Bill 1734: For a number of years grants have been provided to superior courts for family and juvenile court improvements. The goal is establishment of the Unified Family Court (UFC) model that assigns one judicial team to one family, centralizes case management, trains court staff, improves team continuity, and in some cases, requires mediation. **HB 1734** would have created a pilot called the One Family One Team Public-Private Partnership, created out of research by the Child Welfare League and the Annie E. Casey Foundation. The pilot would have supported innovation in dependency court proceedings by providing well-trained and committed judicial leaders, an early resolution intervention, and a multidisciplinary team.

Child Care Eligibility for Vulnerable Children – House Bill 2716: The Department of Early Learning (DEL) administers the Working Connections Child Care (WCCC) program to support child care for families at or below 200 percent of the federal poverty level. The Department of Social and Health Services (DSHS) administers several child care subsidy programs including Child Protective Services (CPS) child care and Child Welfare Services (CWS) child care. The CPS child care subsidy must end when the case is no longer classified as a CPS case or is transferred to another program. The CWS child care subsidy program provides short-term, time-limited subsidized child care for families to avoid out-of-home placement or other state intervention. In recognition of the research on the benefits of child care stability, **HB 2716** would have required DEL to adopt rules to allow a child to be eligible for WCCC under the vulnerable child eligibility category if they have had received either CPS or CWS child care within the prior six months and the case with DSHS had closed.

Foster Care Licensing – Senate Bill 6229: A child-placing agency (CPA) is licensed through the DSHS Children's Administration to place children in foster homes or adoption. CPAs may also certify foster homes. A person must be licensed by DSHS or a CPA in order to provide care for an unrelated child on a 24-hour-a-day basis. As of October 31, 2015, there were 8,713 children and youth residing in out-of-home care, of which 5,182 were in licensed foster care. At the same time there were 4,945 licensed foster care homes. Given the number of children in out-of-home care, there is concern that more should be done to recruit and retain foster care homes. The WSCC worked with Catholic charities to introduce this bill, recognizing the challenges in recruiting and retaining foster families. **SB 6229** would have streamlined foster care licensing for child-placing agencies (CPAs) by directing DSHS to expedite the filing and processing of licensing applications.

Evaluation of Performance-Based Contracting – Senate Bill 6382: House Bill 2106, passed in 2009, required the DSHS to consolidate contracts and convert to performance-based contracting within the child welfare system. Demonstration sites were to be established to fully transition to performance-based contracting. The Washington State Institute for Public Policy (WSIPP) was instructed to evaluate the operation of the demonstration sites to determine whether the measurable results achieved in the demonstration sites are different from the results achieved in areas of the state where child welfare services are offered by state workers. **SB 6382** would have extended the deadline for initiation of the demonstration sites to 2019, allowing DSHS additional time for the transition to performance-based contracting through network administrators.

Homeless Youth Prevention and Protection - House Bill 2834: In 2015 the legislature adopted Senate Bill 5404 to begin an initiative to prevent and reduce youth and young adult homelessness. The bill created the Homeless Youth Prevention and Protection Program (HYPP) in the Department of Commerce. One of the requirements of the HYPP is to increase statewide systems integration and to coordinate efforts to prevent systems of care, like the foster care or juvenile justice systems, from discharging youth into homelessness. **HB 2834** would have amended this statute to allow DSHS to disclose to Commerce and contractors confidential child welfare records of youth in foster care to assist with meeting service needs of youth in crisis residential or HOPE centers under contract with HYPP. In addition, the bill would have allowed youth ages thirteen and older to consent to collection of personally identifying information for the Homeless Client Management Information System.

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WSCC 2016 LEGISLATIVE REPORT CRIMINAL JUSTICE

PRINCIPLES

An ethic of responsibility, rehabilitation, and restoration should be a foundation for the reform of our broken criminal justice system. A humane and remedial rather than a strictly punitive approach to offenders should be developed. - Forming Consciences for Faithful Citizenship, USCCB, 2015

BILLS THAT PASSED

Certificate of Restoration Opportunity Program (CROP) – House Bill 1553: Once offenders have completed their sentence and been released from imprisonment, the objective is successful reentry into the community. For many released offenders, there are barriers to re-entry, including lack of housing, inability to continue treatment programs, lack of supportive relationships, and inability to secure employment. **HB 1553** establishes a process to assist with securing employment by making available a certificate of restoration of opportunity (CROP). If a person holds a CROP, those authorized to assess the qualifications of any applicant for a license, certificate of authority, qualification to engage in the practice of a profession or business, or for admission to an examination to qualify for such a license or certificate, are prohibited from disqualifying the person based solely on their criminal history.

Statewide Reentry Council – House Bill 2791: After people who have been convicted of crimes are released from jail or prison, they find many obstacles to successfully reenter the community. Some of them fail and land back in jail. This problem is known as recidivism. **HB 2791** creates the Washington Statewide Reentry Council for the purpose of promoting successful reentry of offenders after incarceration. The Council will be located within the Department of Commerce and will be comprised of thirteen members appointed by the Governor, including a representative from faith-based organizations or communities. **HB 2791** empowers the Council to make policy and funding recommendations on reentry and reintegration of offenders including correctional programming, housing, employment, education, treatment, and other issues contributing to recidivism. The Council must solicit input and participation from stakeholders interested in reducing recidivism, promoting public safety, and improving community conditions for those reentering.

Continuity of Care for Inmates – Senate Bill 6430: Federal standards for the Medicaid program exclude payments for care or services for any individual who is an inmate of a public institution, except for certain inpatient services at a hospital. These federal standards also exclude payments for behavioral health care provided at a state institution, such as Western and Eastern State. The state's Health Care Authority (HCA) and the Health Benefits Exchange work to enroll offenders in Medicaid prior to their release. The state successfully secured a waiver to allow for coverage of short-term stays. Under **SB 6430**, by July 1, 2017, HCA must suspend, rather than terminate, medical assistance benefits for persons who are incarcerated or committed to a state hospital and allow incarcerated persons to apply for medical assistance in suspense status during incarceration. The HCA must also request federal expenditure authority to provide behavioral health services to persons incarcerated in local jails. The Department of Social and Health Services (DSHS) and HCA must publish guidance and provide trainings to champion best clinical practices. The guidance and training may highlight preventive activities not reimbursable under federal law which may be cost-effective in a managed care environment.

BILLS THAT DID NOT PASS

Legal Financial Obligations – House Bill 1390: Nearly all people convicted of a crime receive Legal Financial Obligations (LFOs) that include fees and fines imposed by the court. LFOs have a twelve percent interest rate

that often results in insurmountable debt and a significant barrier to persons attempting to integrate back into their communities. Arrest warrants can be issued simply because a person is unable to pay the LFOs, leading to a type of “debtor’s prison.” **HB 1390** would have enacted reforms concerning LFOs to make it easier for people who have served a prison sentence to reenter the community. It would have eliminated the imposition of costs on a defendant who is indigent at the time of sentencing and eliminated interest accrual on the non-restitution portions of LFOs. The bill also modified the actions a court may take in sanction proceedings for failure to pay the LFOs. The WSCC worked with the LFO coalition in support of these reforms.

Responsible Storage of Firearms – House Bill 1747: There are no laws specifically addressing liability for storing or leaving a firearm where a minor can obtain access to the firearm. **HB 1747** would have created the crime of child endangerment due to unsafe storage of a firearm. In addition, the bill would have required a firearms dealer, when selling a firearm, to offer to sell or give the purchaser a locked box, a lock, or a device that prevents the firearm from discharging.

Statute of Limitations for Sexual Misconduct with a Minor – House Bill 2260: A statute of limitations is a time limit for initiating prosecution after a crime is committed. The time limit varies depending on the type of crime. For the crime of sexual misconduct in the first degree, current Washington law limits the initiation of prosecution to no more than three years after the date of commission. **HB 2260** would have extended the statute of limitations for sexual misconduct with a minor in the first degree from three to six years.

Extreme Risk Protection Orders – House Bill 2461: There are a number of civil protection orders that allow a court to restrain a person from having contact with or threatening another person or that exclude or limit the person from certain locations. A person subject to a protection order, restraining order, or no-contact order may be required to surrender his or her firearms, dangerous weapons, and concealed pistol license while the order is in place. **HB 2461** would have created a civil extreme risk protection order that allows a law enforcement officer, child welfare agency, or family or household member of a person to petition for a court order to enjoin the subject of the petition from any access to a firearm. The bill would have required law enforcement agencies to develop procedures for accepting, storing, and returning surrendered firearms, and authorized courts to issue a warrant to seize firearms from the subject of the order who has failed to surrender a firearm.

Providing Postsecondary Education to Enhance Education Opportunities – House Bill 2619: One of the challenges facing incarcerated inmates is preparing themselves to be successful upon release. Research has shown that stable employment for former offenders assists in reducing recidivism. **HB 2619** would have allowed the Department of Corrections (DOC) to implement postsecondary education at state correctional institutions. Priority criteria would have been used to select inmates for participation in the program, including those within five years or less of release, those without a postsecondary education degree; and inmates with individual reentry plans that include participation in postsecondary education that are: (1) offered at an inmate's state correctional institution; and (2) approved by the DOC as eligible and effective postsecondary education. Inmates not meeting the priority criteria for state-funded postsecondary education would have had to pay for costs of the program themselves. Inmates sentenced to life without the possibility of release would not have been allowed to participate in postsecondary education offered by the DOC or its contracted providers. Though the bill died, a proviso in the supplemental operating budget allows DOC to use existing funds, donations and grants to implement a post-secondary education program with the same priority criteria found in **HB 2619**.

JUVENILE JUSTICE - BILLS THAT PASSED

Mental Health and Chemical Dependency Treatment for Juvenile Offenders – House Bill 2746: In the Washington juvenile justice system, sentences for juvenile offenders are referred to as “dispositions.” These court orders impose a punishment that is based upon a statutory standard-range grid, and may include detention, community service, a period of community supervision, restitution, and/or a fine. Disposition alternatives are available in statute and may include suspension of detention under conditions, local sanctions, community supervision, and chemical dependency treatment. **HB 2746** amends community supervision provisions to allow

for residential treatment for substance abuse, mental health, or co-occurring disorders for juvenile offenders. The bill also repeals the juvenile mental health disposition alternative and adds mental health treatment to the chemical dependency disposition. The length of time for inpatient treatment that can be ordered is expanded. Prior to the order, an assessment must be done by a mental health professional showing that the offender has significant mental health or co-occurring disorders. A funded bed must be available before a judge may order a juvenile to inpatient treatment. The court is required to hold a review hearing every thirty days if the inpatient treatment is longer than ninety days.

Rehabilitation and Reintegration of Juvenile Offenders – House Bill 2906: For a number of years, the legislature and advocates have been working toward efforts to improve early interventions for juvenile offenders. Research has shown that effective early interventions can improve outcomes for juvenile offenders well into adulthood. **HB 2906** puts into statute this focus by adding rehabilitation and reintegration of juvenile offenders to the purposes underlying the Juvenile Justice Act of 1977. Restorative justice programs are added to community-based rehabilitation for juvenile offenders and though there is court discretion, there is a strong presumption that courts defer a disposition when the juvenile is eligible. The bill also provides judicial discretion on fines for juveniles who have committed motor vehicle related offenses.

JUVENILE JUSTICE - BILLS THAT DID NOT PASS

Sentencing Youth in Adult Criminal Court – Senate Bill 6524: In certain circumstances, state law requires youth to be tried in adult courts. The adult criminal court will have exclusive jurisdiction over a juvenile when the juvenile is 16 or 17 years of age on the date of the alleged offense. The alleged offense would be a serious violent crime, or a violent offense combined with a history of such offenses, robbery, rape or offenses committed with a firearm. The juvenile court has the option to hold a decline hearing where the court decides whether to decline juvenile court jurisdiction on its own motion or when a party files a motion requesting the court transfer the juvenile to adult criminal court. Under certain offenses, the juvenile court is mandated to hold a decline hearing. Once a juvenile is declined to adult court jurisdiction and convicted, the juvenile will be subject to exclusive adult jurisdiction for all future actions. Courts are allowed to impose a sentence outside the standard range under exceptional or mitigating circumstances. **SB 6524** would have given courts discretion to impose an exceptional sentence below the standard range based on a consideration of the youth's age, sophistication, and role in the crime when sentencing an offender under adult court jurisdiction for a crime committed as a minor.

HUMAN TRAFFICKING - BILLS THAT PASSED

Definitions related to Human Trafficking – Senate Bill 5342: Washington continues its efforts to reduce the tragedy of human trafficking by turning its attention to the plight of foreign workers. Currently, foreign workers in Washington are to be provided information on their rights as workers, including rights of work hours and overtime, an itemized listing of deductions the employer takes from worker's pay, and where a worker can get help if they are a victim of human trafficking. But there are those who traffic human beings and exploit these victims by requiring them to pay exorbitant fees for a job that does not exist. Victims may be sold into slavery or forced to work under threats of deportation, and harm or threats of harm to themselves and their families. **SB 5342** adds labor as a category of human trafficking and provides legal definitions to the statute. Human trafficking is defined as an act conducted to exploit by any means, including forced work. Examples of means include the threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of a position of vulnerability.

Human Trafficking Awareness Day – Senate Bill 6376: In 2002, Washington was the first state to create a state anti-trafficking of persons task force, safety measures for noncitizen, nonresident persons recruited by international matchmaking organizations for the purpose of providing dating, matrimonial, or social referral services, and a definition of human trafficking crimes at the state level. The state was also first to enact a crime of human trafficking and to establish a multidisciplinary team to collaborate locally, nationally, and internationally to reduce human trafficking. **SB 6376** designates January 11 as Human Trafficking Awareness Day. The bill

acknowledges the 40 anti-trafficking laws enacted by the legislature since 2002, and states an intent to honor Washington's efforts to reduce human trafficking. Human Trafficking Awareness Day is not defined as a legal holiday.

HUMAN TRAFFICKING - BILLS THAT DID NOT PASS

Vacating Convictions of Trafficking Victims – House Bill 2668: Persons who are forced into prostitution via human trafficking or coercion are able to vacate prostitution convictions if the victim can prove they are a victim of either trafficking, promotion of prostitution in the first degree, promoting commercial sexual abuse of a minor, or trafficking under the victims protection act. If the victim has a criminal conviction or a pending criminal charge, they are not allowed to have the prostitution conviction vacated. **HB 2668** would have allowed a person with a criminal conviction or pending charges to vacate an earlier conviction for prostitution if the other crimes were a result of being a victim of trafficking. There are exceptions and the causal assertion must be proven.

Human Trafficking Training – Senate Bill 5880: A minimum training for workers to recognize human trafficking and assist trafficking victims might help reduce the problem of human trafficking in establishments that victims frequent. Currently, there is no identifiable on-line, one-hour training available. **SB 5880** would have created a joint legislative task force to recommend a curriculum for training workers on-line provided at no cost to the workers. The task force would have been required to report its recommendations for the training curriculum and possible funding sources by December 1, 2016 to the Governor and the legislature.

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WSSC 2016 LEGISLATIVE REPORT ECONOMIC JUSTICE

PRINCIPLES

I believe that, yes, the times talk to us of so much poverty in the world and this is a scandal. Poverty in the world is a scandal. In a world where there is so much wealth, so many resources to feed everyone, it is unfathomable that there are so many hungry children, that there are so many children without an education, so many poor persons. Poverty today is a cry. We all have to think if we can become a little poorer, all of us have to do this. How can I become a little poorer in order to be more like Jesus, who was the poor Teacher? - Pope Francis, Meeting with Students of Jesuit Schools, June 7, 2013

BILLS THAT PASSED

SNAP Benefit Distribution Dates – House Bill 2877: Food insecurity describes households financially stretched to the point where there is great uncertainty about whether all household members will have access to food. Washington's food insecurity rate is at 14.3 percent of total households, and it is estimated that more than 300,000 Washington children live in food insecure households. The Supplemental Nutrition Assistance Program (SNAP) is a federal program enabling low-income families to purchase eligible food at authorized retail food stores. In Washington, SNAP benefits are distributed from the first through the tenth of every month. Grocers and suppliers have found it difficult to keep food stocked at certain locations between the first and tenth of every month, thereby limiting the selection of groceries available to SNAP recipients. Food banks in the state have found that the end of each month, the needs of the clients served increase dramatically. **HB 2877** requires the Department of Social and Health Services (DSHS) to expand SNAP benefit issuance dates to the first twenty days of every month, beginning January 2017.

BILLS THAT DID NOT PASS

Washington Fair Chance Act (Ban the Box) – House Bill 1701: When someone is released from jail or prison, they often find it difficult to land good jobs for which they are qualified. Many experience the frustration of not even being seriously considered for a position. Most job applications have a check box asking whether the applicant has a prior record. Under current law, employers could exclude any applicant who checked that box. **HB 1701** would have prohibited employers from excluding an applicant from an initial interview solely because of a criminal record. It would also have been unlawful for an employer to advertise openings in a way that excluded people with arrests or convictions from applying. Subject to certain restrictions and any other applicable law, nothing would have prohibited an employer from considering an applicant's criminal record prior to making a hiring decision.

Opportunities for Training in TANF - House Bill 1875: The Temporary Assistance for Needy Families (TANF) program, known as WorkFirst in Washington State, provides eligible adults various forms of assistance while they participate in activities that will help them connect to the workforce. These activities include unsubsidized and subsidized paid employment, internships, on-the-job training, job search and job readiness assistance, vocational educational training, education, and other activities. Many vocational education programs require two years of training before the participant is able to earn a certificate of completion. Under current law, a WorkFirst participant's vocational educational training may not exceed 12 months. Supported by WSCC, **HB 1875** would have increased the amount of vocational training from 12 to 24 months for recipients of WorkFirst/TANF.

Intergenerational Poverty – House Bill 2518: The Department of Social and Health Services' (DSHS) is tasked with helping low-income people meet their basic needs and achieve economic independence through: cash grants, food, and medical assistance; employment-focused services; and subsidized child care. **HB 2518** would have established the Intergenerational Poverty Reduction Commission to develop strategies to reduce intergenerational poverty and welfare dependence in Washington, and establish the Intergenerational Poverty Advisory Committee to advise the Commission in its duties. The bill would also have required DSHS to establish and maintain a system to gather information on intergenerational poverty.

Dispute Resolution Fees – House Bill 2674: The creation of Dispute Resolution Centers (DRCs) was first authorized in statute as part of the 1984 Court Improvement Act in order to provide forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere than a judicial setting. County legislative authorities may impose a surcharge of up to \$10 on each civil filing fee in District Court, and a surcharge of up to \$15 on each filing fee for small claims actions for the purpose of funding DRCs. **HB 2674** would have allowed a county legislative authority to impose a surcharge of up to \$20 on each civil filing fee in superior court for the purpose of funding DRCs.

TANF Income Eligibility – House Bill 2874: Nationally, approximately 6 million children live in households headed by grandparents or other relatives. About 2.5 million children live in these households without either parent present, generally putting the relative in the position of raising the child. A little over 20 percent of relative-headed households live in poverty. Children at risk of entering the child welfare system achieve better outcomes if they are placed in kinship care instead of foster homes. States use Temporary Assistance for Needy Families (TANF) block grants to operate their own programs. In Washington, TANF is known as WorkFirst. In 2011 the legislature passed **SB 5921**, directing the Department of Social and Health Services (DSHS) to establish income eligibility rules for non-parental caregivers receiving a child-only TANF grant. A caregiver with an income above 300 percent of the federal poverty level (FPL) is not eligible for child-only TANF benefits for a child who is not a foster child. **HB 2874** would have repealed the statute related to means-testing for child-only TANF grants.

Food Stamp Work Requirements – Senate Bill 5776: Supplemental Nutrition Assistance Program (SNAP) is a federal program enabling low-income families to purchase food at retail food stores primarily through the use of

electronic benefit cards. In Washington, SNAP is called the Basic Food Program. Adults without children may receive SNAP benefits provided they meet the work requirements, which is to work an average of 20 hours per week. If they do not meet the work requirements, there is a time limit for SNAP benefits of a maximum three months in three years. States may apply for a federal waiver from the work requirements for the entire state or a portion of the state if the state can demonstrate there are not enough jobs. Since the law went into effect in 1996, Washington has always had a waiver. As of early 2016, there were 37 states and U.S. territories with partial or full waivers. **SB 5776** would have prevented the state from seeking or maintaining a federal waiver from federal food stamp requirements. The state would have also been mandated to terminate any current work requirement waivers, thereby limiting access to food for able-bodied adults without dependents.

Minimum Wage Increase – Senate Bill 6087: Employers covered under the State Minimum Wage Act are required to pay employees age 18 or older at least the minimum hourly wage. The current state minimum wage is \$9.47. In many places in Washington, individuals and families can't meet basic needs, even working full-time at the current minimum wage of \$9.47/hour. The amount a family must earn to meet their basic needs of food, housing, transportation, child care, and medical care varies across the state. The State Department of Labor and Industry has reported that Washington's purchasing power of the minimum wage was at its highest in 1968 and wages have been stagnant for 35 years for low- and middle-income workers, in spite of considerable economic growth over that time period. **SB 6087** would have incrementally increased the state's hourly minimum wage to \$12.00 by January, 2020. The WSCC supported this bill.

Personal Needs Allowance – Senate Bill 6555: Federal law requires Medicaid recipients to contribute to the cost of long-term care. The contribution amount is determined by deducting certain amounts from a recipient's monthly income. One of the permitted deductions is the personal needs allowance (PNA), an amount of the Medicaid recipient's own income that can be kept and spent on personal items. After deducting the PNA and other allowable deductions, all remaining income goes toward the cost of care. The PNA in Washington is \$57.28 per month for persons in nursing facilities or institutions, and \$62.79 per month for persons in residential care, such as in an adult family home or assisted living facility. The PNA does not increase to reflect cost of living, but requires an act of the legislature to be increased. **SB 6555** would have increased the PNA for Medicaid annually by the percentage cost-of-living adjustment for Old-Age, Survivors, and Disability Social Security benefits as published by the Social Security Administration.

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WSCC 2016 LEGISLATIVE REPORT ENVIRONMENT

PRINCIPLES

Creation is not a property, which we can rule over at will; or, even less, is the property of only a few: Creation is a gift, it is a wonderful gift that God has given us, so that we care for it and we use it for the benefit of all, always with great respect and gratitude. If we are called to be good stewards of what we cannot own, surely we should also be of our own wealth.
- Pope Francis, 2014

BILLS THAT PASSED

Toxic Flame Retardants – House Bill 2545: For several years the WSCC has supported efforts to protect children from the harmful impact of toxic chemicals in children's products. Flame-retardant chemicals are added to many products to meet fire-safety standards. Because of concerns for human health, the legislature banned the use of certain toxic flame retardants. In the 2014 budget, the legislature directed Department of Ecology (DOE) to test for the presence of flame retardants in children's products and furniture. In January 2015 DOE submitted a

report on the testing and recommended the restriction of ten flame retardants in children's products and furniture. **HB 2545**, supported by the WSCC, bans five toxic flame retardants.

Solid Fuel Burning Devices – House Bill 2785: Washington's Clean Air Act regulates uses of wood stoves and fireplaces, both of which are captured under the term "solid fuel burning device." A solid fuel burning device is defined as any device for burning wood, coal, or any other nongaseous and non-liquid fuel. Since 1995 state law has restricted the sale of certain types of solid fuel burning devices that are not certified by the state or the EPA as meeting fine particulate matter emissions criteria. **HB 2785** limits the authority of the Department of Ecology (DOE) or local air authorities to restrict the installation or use of certain woodstoves during emergency power outages, regardless of whether a burn ban has been temporarily established. During emergency outages, burning wood in a solid fuel burning device is unrestricted regardless of whether a burn ban has been called.

BILLS THAT DID NOT PASS

Oil Transportation Safety Study – House Bill 2575: In 2006, the Department of Ecology (DOE) contracted for a report prepared for the State Emergency Response Commission (SERC) that assessed federal, state, and local capacities to respond to dangerous incidents in Washington involving chemical, biological, radioactive, nuclear, or explosive (CBRNE) agents and other hazardous materials. The report recommended and outlined how the state could establish a program under the Office of the State Fire Marshall to train emergency responders to prepare for CBRNE incidents. **HB 2575** would have directed DOE to hire an independent contractor to update the 2006 CBRNE report to the SERC. The report would have included an updated analysis of the state's hazardous materials response capabilities and comparable response structures in other states.

Salmon & Steelhead Reintroduction – House Joint Memorial 4014: The Northwest Power and Conservation Council (NPCC) is a congressionally created, region-wide power planning interstate compact agency representing Idaho, Montana, Oregon, and Washington. In 2014, the NPCC recommended a science-based, phased approach to investigating how reintroduction of salmon and steelhead in the reaches of the Columbia River above the Chief Joseph and Grand Coulee dams could be achieved. The first phase of the recommended approach is scheduled to be completed at the end of 2016 and will evaluate information from passage studies at other blockages and from previous assessments of the Chief Joseph and Grand Coulee dams. **HJM 4014** would have requested that the federal government and the entities representing the Northwest region pursue the reintroduction of salmon and steelhead upstream of the Chief Joseph and Grand Coulee dams.

Limits on Greenhouse Gas Rulemaking Authority – Senate Bill 6173: In 2015, at the direction of Gov. Inslee, the Department of Ecology began a rulemaking process to reduce Washington's emissions of greenhouse gases (GHG). **SB 6173** sought to bar the Department of Ecology from adopting any rule or policy that established a statewide limit, cap, or standard, to control the amount of GHG emissions. WSCC opposed **SB 6173**.

Residential Energy Efficiency Pilot Program – Senate Bill 6276: The Washington State Constitution gives the legislature the power to exempt property from taxation. Such an exemption qualifies as a tax preference, which is enacted to meet objectives the legislature has determined to be in the public interest. **SB 6276** would have created a residential energy efficiency incentive pilot program that would have authorized cities or counties to exempt qualifying low and moderate-income owners of single family residences and qualifying owners of multiple family buildings from a city or county's property tax. Homeowners would have been exempt from paying local property taxes for a period of time ranging from four to eight successive years, depending on the expected percent decrease in energy consumption as a result of a retrofit project. Similar incentives would have been offered to multiple family buildings.

Carbon Pollution Tax – Senate Bill 6306: Under current law, fossil fuel means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material to produce heat for the generation of electricity. **SB 6306** would have imposed a tax on the carbon content of fossil fuels extracted, manufactured, or

introduced into Washington State equal to \$8 per metric ton of carbon dioxide. Receipts from the carbon tax would have funded the following activities in equal shares:

- Projects that reduce storm water impacts from existing infrastructure and development;
- Fish barrier correction projects at state highways;
- Programs that advance renewable energy and energy efficiency; and
- Projects and programs that advance the use of public transportation.

Carbon Pollution Tax – Initiative 732: The US Environmental Protection Agency (EPA) and state Department of Ecology (ECY) regulate greenhouse gases (GHGs) because of their capacity to trap heat in the Earth's atmosphere. The organizers of **I-732** filed it as an initiative to the legislature. After the submission of enough valid signatures, I-732 was certified and sent to the legislature which had one of three options:

- Adopt the initiative as proposed, in which case it becomes law without a vote of the people;
- Reject or refuse to act on the proposed initiative, in which case the initiative must be placed on the ballot at the next state general election; or
- Approve an alternative to the proposed initiative, in which case both the original proposal and the legislature's alternative must be placed on the ballot at the next state general election.

Since the legislature did act on I-732, the initiative will be on the November 2016 ballot. If I-732 is approved by the voters, a tax of \$15 per metric ton would be levied on the carbon content of fossil fuels sold or used in the state and the carbon content inherent in electricity consumed in the state beginning July 1, 2017. The rate of tax would increase to \$25 per metric ton in July 2018, and increase every year thereafter by 3.5 percent plus inflation. The tax rate may not exceed a rate of \$100 per metric ton, converted into 2016 dollars when adjusted by inflation using the consumer price index. The revenues generated by the carbon tax would be designated to reduce the state sales tax. Beginning July 1, 2017, the state retail sales and use tax rate is reduced to 6.0 percent from the present 6.5 percent. Beginning July 1, 2018 the retail sales and use tax rate if further reduced to 5.5 percent.

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WSSC 2016 LEGISLATIVE REPORT HEALTH CARE

PRINCIPLES

Affordable and accessible health care is an essential safeguard of human life and a fundamental human right. ... The nation's health care system needs to be rooted in values that respect human dignity, protect human life, respect the principle of subsidiarity, and meet the needs of the poor and uninsured, especially born and unborn children, pregnant women, immigrants, and other vulnerable populations. - Forming Consciences for Faithful Citizenship, USCCB, 2015

BILLS THAT PASSED

Treatment for Mental Health and Chemical Dependency – House Bill 1713: Under the involuntary mental health treatment systems for both minors and adults, a person may be committed for involuntary mental health treatment if he or she poses a likelihood of serious harm to self or others or is gravely disabled. The likelihood of serious harm or grave disability must be due to a mental disorder. **HB 1713** integrates the involuntary mental health and involuntary substance use disorder treatment systems for minors and adults. It will also integrate the minor-initiated and parent-initiated mental health and substance use disorder treatment provisions.

Children's Mental Health Work Group – House Bill 2439: The Department of Social and Health Services (DSHS) contracts with regional support networks (RSN) to oversee the delivery of mental health services for adults and children who suffer from mental illness or severe emotional disturbance. During the 2015 fiscal year, DSHS provided mental health services to approximately 48,000 children through contracts with 11 RSNs. **HB**

2439 establishes the Children's Mental Health Work Group to review the barriers that exist in identifying and treating mental health issues in children with a particular focus on birth to age 5, and report to the legislature by December 1, 2016. The bill also directs the Health Care Authority and DSHS to identify issues related to network adequacy and report annually to the legislature on the status of access to behavioral health services for children and youth. The Joint Legislative Audit and Review Committee must conduct an inventory of the mental health service models available to students in schools.

Involuntary Treatment Orders – House Bill 2541: When entering an order for involuntary mental health treatment, if the court finds that the person poses a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive alternative (LRA) than detention is in the best interest of the person or others, the court must order an appropriate less restrictive course of treatment rather than inpatient treatment. If a person is found to be in need of assisted outpatient treatment, and does not pose a likelihood of serious harm and is not gravely disabled, the person may only be ordered to LRA treatment. An LRA order may be modified or revoked if the person is failing to adhere to the terms and conditions of his or her release, is substantially deteriorating or decompensating, or poses a likelihood of serious harm. **HB 2541** requires a court order for LRA treatment to name the provider responsible for arranging services and include a requirement that the person on the LRA order participate in the arranged services, rather than requiring that the order itself list specific services.

Contraceptives in Pharmacies – House Bill 2681: The Pharmacy Quality Assurance Commission regulates the practice of pharmacy and enforces all laws placed under its jurisdiction. **HB 2681** requires the commission to develop a sign or sticker for pharmacies in order to increase awareness of the availability of contraceptives in pharmacies.

Childhood Immunizations – Senate Bill 5143: The Department of Health (DOH), consistent with the national immunization guidelines, requires a child to be vaccinated against, or show proof of acquired immunity for eleven vaccine-preventable diseases (e.g., diphtheria, tetanus) before attending a Washington school or child care center. A child may be exempt from immunization requirements for medical, religious, or philosophical reasons. **SB 5143** requires DOH to develop and make available resources for expecting parents regarding recommended childhood immunizations. The resources are intended to be provided to expecting parents by their health care providers to encourage discussion on childhood immunizations and postnatal care.

Telemedicine – Senate Bill 6519: The 2015 Legislature passed **SB 5175** requiring health insurance carriers to reimburse a provider for a health care service delivered through telemedicine. **SB 6519** creates the Collaborative for the Advancement of Telemedicine (Collaborative) to enhance the understanding of health services provided through telemedicine. The Collaborative shall develop recommendations on improving reimbursement and access to services. The Collaborative must identify telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations.

BILLS THAT DID NOT PASS

State Universal Health Coverage – House Bill 1321: Even with implementation of the Affordable Care Act (ACA), approximately ten percent of Washingtonians remain uninsured, and even more will remain underinsured. Over 8,000 people lost health coverage in 2014 due to their failure to pay premiums for their Health Benefit Exchange plans. **HB 1321** would have formalized the legislature's intent that all Washington residents have accessible, affordable, and comprehensive health care coverage by 2020.

Chemical Dependency Treatment – House Bill 1888: All programs that provide chemical dependency treatment must obtain certification from the Department of Social and Health Services (DSHS). While DSHS is responsible for certifying services for all chemical dependency treatment programs, residential treatment programs are also required to be licensed by the Department of Health (DOH) as a residential treatment facility. Residential treatment facilities that plan to (1) change the number of DOH licensed beds, (2) remodel their facility, or (3) relocate the facility must get approval from the DOH before relocation or remodeling. **HB 1888** would have

transferred to DOH all responsibilities of DSHS regarding certification of chemical dependency treatment programs.

Prescription Drug Insurance Continuity of Care – House Bill 2319: A health plan offering coverage to individuals or small groups is required, under the Affordable Care Act (ACA), to cover ten categories of essential health benefits, one of which is prescription drugs. To comply with the ACA's prescription drug coverage requirement, an issuer must cover prescription drugs in a manner substantially equal to a benchmark plan selected by the state. **HB 2319** would have required individual market insurers to continue to cover prescription drugs for enrollees under certain circumstances. The bill would also have prohibited individual market insurers from increasing copayment or coinsurance amounts for prescription drugs under certain circumstances.

State Health Insurance Pool – House Bill 2340: The Washington State Health Insurance Pool (WSHIP) is the high-risk health insurance pool for Washington that provides coverage for individuals who are unable to obtain comprehensive health coverage or Medicare supplemental coverage. WSHIP offers two types of plans: non-Medicare eligible plans and Medicare-eligible plans. WSHIP must discontinue all non-Medicare plans on December 31, 2017. WSHIP Medicare-eligible plan remains open to enrollees who are unable to obtain comprehensive supplemental coverage or a Medicare Part C plan with no discontinuation date. **HB 2340** would have frozen enrollment for all non-Medicare plans until August 1, 2017 and extended the discontinuation date for the WSHIP non-Medicare plans until December 31, 2018. A work group would have been required to analyze the WSHIP and all available options to fund the pool.

Homeless Youth Health Care – House Bill 2396: Generally, persons under the age of 18 cannot provide consent for their own medical procedures in Washington. If a minor's consent is not sufficient to access health care services, an individual authorized by statute must furnish consent for a health care provider to treat the patient. The McKinney-Vento Homeless Assistance Improvements Act of 2001 requires schools receiving funds under the statute to enroll homeless youth and children, even when required documents and records are not provided. It also requires that schools provide certain services, such as transportation, to homeless youth and requires that each school district have a designated homeless liaison to identify and serve homeless youth. **HB 2396** would have authorized school nurses, counselors, and homeless student liaisons to provide consent for homeless, unaccompanied youth to receive nonemergency, outpatient, primary care services.

Hospital Discharge Planning – House Bill 2424: Hospitals are required to establish and maintain a system for discharge planning. Federal law allows hospitals to share information that is directly relevant to the involvement of a spouse, family member, friend, or other person identified by the patient, in the patient's care. **HB 2424** would have defined "lay caregiver" as any individual designated as such by a patient who provides aftercare assistance to a patient living in the patient's residence. The bill would have required that, when a lay caregiver is designated, hospital discharge policies take into consideration the lay caregiver's abilities as disclosed to the hospital.

Health Care Declarations – House Bill 2652: The Department of Health (DOH) established a statewide health care declarations registry in 2006 pursuant to legislative direction. Eligible declarations included an advance health care directive, a durable power of attorney for health care, a mental health advance directive, and a Physician Orders for Life-Sustaining Treatment (POLST) form. While DOH is still statutorily required to maintain the health care declarations registry, most of the maintenance funding was eliminated in the 2011-13 biennial budget. Since July 1, 2011, the DOH has not accepted new declarations. **HB 2652** would have required the Department of Licensing to issue driver's licenses and identification cards with a symbol or abbreviation that denotes the presence of a health care declaration and a code that, if the declaration is stored in the statewide registry, allows health care providers access to the cardholder's declaration in the registry.

Pharmacist Authority – House Bill 2725: Pharmacists may initiate drug therapy in accordance with a collaborative drug therapy agreement (CDTA). A CDTA is a set of written guidelines or protocols established by a health care practitioner who is authorized to prescribe drugs in which authority is delegated to a pharmacist to conduct specific prescribing functions. In emergency situations, a pharmacist may dispense up to a 72 hours'

supply of medication without a valid prescription. This authority applies if the prescriber is not available and in the professional judgment of the pharmacist an emergency need for the medication has been demonstrated. **HB 2725** would have allowed a pharmacist to dispense up to a seven days' supply of a prescription drug that is not a controlled substance to a patient with an expired prescription if the pharmacist attempts to contact the prescribing practitioner and the patient has been on a consistent drug therapy.

Tax Deduction for Chemical Dependency Services – Senate Bill 6477: Businesses must pay Business and Occupation (B&O) taxes even though they may not have any profits or may be operating at a loss. A health or social welfare organization receives a B&O tax deduction for amounts received as compensation for providing mental health services under a government-funded program. A behavioral health organization (BHO) receives a B&O tax deduction for amounts received from the state of Washington for distribution to a health or social welfare organization that is eligible to deduct the distribution. These tax deductions expire August 1, 2016. **SB 6477** would have expanded the B&O tax deduction to include government funds received for providing chemical dependency services. The expiration date of this deduction would have been extended to January 1, 2020.

Chemical Dependency Licensure – Senate Bill 6485: The Department of Health (DOH) licenses chemical dependency professionals (CDPs). Experience hours required for an individual to be licensed as a CDP vary depending on formal education in human services or a related field. **SB 6485** would have required DOH to develop expedited education requirements for obtaining a CDP license that apply to a person who holds a license as a marriage and family therapist, mental health counselor, advanced social worker, independent social worker, or psychologist and seeks to become dually licensed as a CDP.

Youth Mental Health Services – Senate Bill 6494: The Department of Social and Health Services (DSHS) contracts with regional support networks (RSN) to provide mental health services for adults and children who suffer from serious mental illness or severe emotional disturbance and meet access-to-care standards. During the 2015 fiscal year, DSHS provided mental health services to approximately 48,000 children through contracts with eleven RSNs. In 2015, the American Academy of Pediatrics recommended annual depression screenings for children ages 11 through 21 years of age. Medicaid programs are not required to follow this recommendation. **SB 6494** would have established the Children's Mental Health Work Group to review barriers that exist to identifying and treating mental health issues in children with a particular focus on birth to five. In addition, the bill would have required universal screening by HCA and provider payment for depression for children aged 11-21.

Other Languages for Public Notices – Senate Bill 6530: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are referred to as limited English proficient (LEP) individuals. In 2000, the President signed the LEP Executive Order which requires federal agencies and all recipients of federal financial assistance to provide meaningful access to LEP individuals, in accordance with Title VI of the Civil Rights Act of 1964. Each county, city, and town in Washington must develop a local emergency management plan which must address all natural and man-made emergencies to which the locale is vulnerable, and provide a functional description of how warnings and emergency information will be addressed. **SB 6530** would have required state agencies that provide public notices advising or informing communities about public health, safety, and welfare risks to issue those notices in a foreign language if at least 5 percent of the city, town, or county residents speak that foreign language and are of limited English proficiency. Under a state of emergency, state agencies would have been required to provide notices, information, and services in languages represented by an affected area's demographic data. During emergencies, emergency management departments would have been required to provide written and verbal notices in languages represented by their communities who speak a language other than English.

Behavioral Health Regulations – Senate Bill 6544: Different regulatory, licensure, and certification requirements apply to providers in the fields of primary care, mental health, and chemical dependency. Depending on the nature of the function, supervision of compliance with regulatory or contractual requirements for programs, facilities, or individuals may fall to the Department of Health (DOH), Department of Social and

Health Services (DSHS), or Washington State Health Care Authority (HCA), among other agencies. **SB 6544** would have mandated DSHS and HCA to convene a task force to align regulations between behavioral health and primary health care settings and simplify regulations for behavioral health providers. The alignment would have been required to support clinical integration from the standpoint of standardizing practices and culture and, to the extent practicable, reduce barriers to access, including reducing the paperwork burden for patients and providers. The bill would have required DSHS to collaborate with HCA, DOH, and other appropriate government partners to reduce unneeded costs and burdens to health plans and providers associated with excessive audits, the licensing process, and contracting.

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WSSC 2016 LEGISLATIVE REPORT HOUSING

PRINCIPLES

The lack of safe, affordable housing requires a renewed commitment to increase the supply of quality housing and to preserve, maintain, and improve existing housing through public/private partnerships, especially with religious groups and community organizations. - Forming Consciences for Faithful Citizenship, USCCB, 2015

BILLS THAT PASSED

Nonprofit Homeownership Developers – Senate Bill 6211: Some low-income housing developers have found it difficult to purchase and hold land for future affordable housing development given the fast-paced real estate market and the short time periods they are allowed to gather financing and close the deal. In response to this concern, the legislature created the Land Acquisition Fund which is administered by the Washington State Housing Finance Commission. **SB 6211** exempts real property from property taxes provided it is owned by a nonprofit entity for the purpose of developing or redeveloping one or more residences to be sold to low-income households. The property tax exemption expires on or at the earlier of the date on which the nonprofit entity transfers title to the residence on the real property, at the end of the seventh consecutive property tax year for which the exemption is granted, or when the property is no longer held for the purpose for which the exemption was granted. The tax preference will sunset in ten years.

Mortgage Lending Fraud Prosecution Account – Senate Bill 6282: In 2003, legislation was enacted creating the Mortgage Lending Fraud Prosecution Account, a specific fund to aid in the prosecution of consumer fraud in the mortgage lending process. The Account is administered by the Department of Financial Institutions (DFI). Funds for the Account are generated by a \$1 surcharge, assessed at the recording of a deed of trust. The Account may be used to reimburse county prosecutors and/or the Office of the Attorney General for costs related to the investigation and prosecution of mortgage fraud cases. **SB 6282** extends the expiration date for the mortgage lending fraud prosecution account to June 30, 2021.

Private Activity Bond Allocation – Senate Bill 6342: The Bond Cap Allocation Program (BCAP) at the Department of Commerce authorizes the issuance of the state's bond cap. BCAP reviews and approves bond issuances for projects to ensure compliance with federal and state law and to ensure that the state does not exceed its tax-exempt issuance ceiling. Bond cap is the maximum amount of tax-exempt private activity municipal bonds that can be issued by state issuers for a given year. The current allocation of the bond cap in Washington for housing is 32 percent and for student loans the bond cap is 15 percent. **SB 6342** increases the bond cap allocation for housing to 42 percent and the bond cap for students loans is decreased to 5 percent.

Landlord-Tenant Provisions – Senate Bill 6413: The Residential Landlord-Tenant Act (RLTA) regulates the rights and duties of landlords and tenants in residential rental housing. Landlords may screen and evaluate potential tenants, either by conducting their own searches of public records or by using companies that provide consumer reports for use in screening tenants. RLTA provides that if a landlord uses a tenant screening service to obtain the report, only the landlord's cost may be charged to the tenant. **SB 6413** requires that residential landlords notify prospective tenants as to whether "comprehensive reusable tenant screening reports" will be accepted, and defines this and other related terms. A reusable report is prepared by a consumer reporting agency at the direction of, and paid for by, the prospective tenant and is made available to the prospective landlord at no charge. In addition, the bill extends, from 14 days to 21 days, the time within which a residential landlord must refund a tenant's deposit or provide a statement specifying the basis for retaining some or all of the deposit. The WSCC supported this bill.

BILLS THAT DID NOT PASS

Discrimination Based on Source of Income – House Bill 1565: The Residential Landlord-Tenant Act (RLTA) regulates the rights and duties of landlords and tenants in residential rental housing. Under the Washington Law Against Discrimination, a landlord may not discriminate against a prospective tenant with regard to sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, honorably discharged veteran status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability. **HB 1565** would have prohibited a person from taking certain acts based on the source of income of an otherwise eligible applicant or tenant. Prohibited acts would have included refusing to lease or rent any real property to an applicant and expelling a tenant from any real property. A person who violates a prohibited act may have been held liable for up to treble the damages sustained by the tenant or applicant.

Benefit Charges for Fire Protection – House Bill 1605: Regional fire protection service authorities (RFAs) are taxing districts charged with providing regional fire protection and emergency services within their jurisdictional boundaries. Regional fire protection service authorities and fire districts may impose benefit charges. Imposed benefit charges are on personal property and improvements to real property within the RFA or fire district. **HB 1605** would have deleted provisions requiring the continuation of a benefit charge by a RFA to be approved by 60 percent of the voters voting on the ballot measure and replaced them with an authorization allowing the continued imposition of a benefit charge with approval of a majority of voters voting in the election. The bill would have also established financial protections for RFAs by extending future levy capacity protection provisions to RFAs that impose benefit charges. The WSCC raised concerns about the benefit charge and its impact on non-profit affordable housing properties and an amendment was added exempting these properties.

Hosting of Homeless by Religious Organizations – House Bill 2086: Under state law, religious organizations are permitted to host temporary encampments for homeless persons on any property owned or controlled by the religious organization. Local governments are only allowed to regulate for purposes necessary to protect the health and safety of the public, and may not substantially burden the decisions or actions of a religious organization regarding the location of encampments on the religious organization's property. A recent state Supreme Court decision held that a city's refusal to consider a church's application to host a homeless encampment violated the right to free exercise of religion because it created a substantial burden on the church's ability to host the encampment on their property. **HB 2086** would have created new limitations for counties, cities, and towns when regulating a religious organization's ability to host an encampment for homeless persons on their property. The government entities would not have been able to limit the religious organization's ability to host a rotating, established tent encampment to less than eight months during any calendar year, limit the hosting term to less than four months unless agreed to by that religious organization for a specific instance, or limit the availability to host safe parking efforts at its own on-site parking lot.

Condominium Conversion Fee – House Bill 2395: Local governments generally are prohibited from imposing any tax, fee, or charge on the construction or reconstruction of residential, commercial, or industrial buildings.

The general local tax prohibition on construction and development does not limit the authority of a county or city planning under the Growth Management Act to implement an affordable housing incentive program that allows local jurisdictions to offer certain development and zoning permit bonuses or waivers to promote the development of affordable housing. **HB 2395** would have authorized cities and towns to impose a fee on the recording of a declaration of a condominium conversion. The money collected from the fee would have been mandated to be deposited in a fund established by the city or town for affordable housing development.

Housing Demolition Fee – House Bill 2397: Local governments generally are prohibited from imposing any tax, fee, or charge on the construction or reconstruction of residential, commercial, or industrial buildings. There are some exceptions to this general prohibition. For example, the prohibition does not limit a county or city planning under the Growth Management Act to implement an affordable housing incentive program that allows local jurisdictions to offer certain development and zoning permit bonuses or waivers to promote the development of affordable housing. **HB 2397** would have authorized cities and towns to impose a fee on the demolition of a residential building to support the development of affordable housing. The demolition activity subject to the fee would have been the removal or destruction of at least 90 percent of a structure or building, unless otherwise defined in the city's or town's building or zoning codes.

Lien Recording Fee Exemption – House Bill 2428: The Homeless Housing and Assistance Act of 2005 directed the Department of Commerce to develop and implement a statewide homeless housing program with the goal of reducing homelessness by 50 percent in the state and within each county. Both the state and local homeless housing programs receive revenues from the homeless housing and assistance surcharge collected by each county auditor when a document is recorded. The surcharge is currently \$40 per recorded document, but is scheduled to drop to \$10 in 2019. An additional homeless housing and assistance surcharge of \$8 is also collected by each county auditor. **HB 2428** would have exempted documents recording a special purpose district lien for delinquent utility service charges or satisfaction of a lien from the homeless housing and assistance surcharge. The WSCC opposed this bill.

Affordable Housing Zones – House Bill 2442: All real and personal property in the state is subject to a state property tax, unless specifically exempted under law. The legislature may create tax exemptions for other property as well. **HB 2442** would have authorized counties and cities to create an Affordable Housing Incentive Zone that gives a 60 percent tax exemption to properties providing affordable housing within a designated area.

Preservation of Affordable Housing – House Bill 2544: All real and personal property in the state is subject to a state property tax, unless specifically exempted under law. The state levy takes precedence over all other levies. **HB 2544** would have allowed a city or county to create a property tax exemption program to promote the preservation of affordable housing available for very low-income households. The exemption could have been applied to local property taxes, but would not have applied to the state tax portion. The exemption would have applied to certain multifamily properties if at least 25 percent of its units were rented at rates that were affordable to households with an income up to 50 percent of the median family income of the area. The threshold household income level could have been lowered to serve severely low-income households, or raised up to 60 percent of the median family income in high property value areas.

Mobile Home Park Tenants – House Bill 2760: The Office of Mobile/Manufactured Home Relocation Assistance provides general assistance to manufactured/mobile home resident organizations, tenant organizations, and manufactured/mobile home community owners. The Office also administers a Mobile Home Relocation Assistance Program that provides monetary assistance on a first-come, first-served basis to low-income persons owning mobile homes located in mobile home parks that are scheduled for closure. **HB 2760** would have eliminated the limitation on eligibility to low-income households and the definition of "low-income household." The bill would have deleted the provision that payments are subject to eligibility verification by the Department of Commerce and availability of funds.

Manufactured/Mobile Home Communities – House Bill 2799: A landlord must provide a written notice of sale of a manufactured/mobile home community within 14 days after the date on which any advertisement, multiple listing, or public notice advertises that a manufactured/mobile home community is for sale. A landlord intending to sell a manufactured/mobile home community is encouraged to negotiate in good faith with qualified tenant organizations and eligible organizations. **HB 2799** would have required a landlord of a manufactured/mobile home community to provide written notice of opportunity to purchase to all eligible organizations, within two days of receiving an offer to purchase the community. The bill would have prohibited a landlord from closing on the sale of a manufactured/mobile home community until 90 days after the date on which the notice of opportunity was delivered.

Homeless Youth Records – House Bill 2834: In 2015 the legislature passed **SB 5404**, which created the Office of Homeless Youth Prevention and Protection within the Department of Commerce. The Office is responsible for leading efforts to coordinate a spectrum of funding, policy, and practice efforts related to homeless youth with a stated goal of preventing state systems from discharging youth and young adults into homelessness. **HB 2834** would have allowed DSHS to share certain child welfare records with the Department of Commerce for purposes of meeting the service needs of youth admitted to Crisis Residential Centers or HOPE Centers under contract with the Office. The bill would also have allowed youth ages 13 and older to give consent for the collection of personally identifying information for the Washington Homeless Client Management Information System.

Affordable Housing Support – House Bill 2843: The state Constitution requires all taxes to be applied uniformly on property within each taxing district. Property taxes are based on the assessed fair market value of the property. Regular property tax levies are limited to a maximum of 1 percent of a property's assessed value. This applies collectively to the total taxes levied by the state and local governments. The legislature has established individual and aggregate limits for the various tax districts. **HB 2843** would have allowed cities to provide an exemption from city property tax for persons who make a contribution of equal value to a program that funds local subsidized housing or homeless housing. The bill would have capped the total tax exemption at a limit of 0.9 percent rate increase for the city property tax that would shift to non-exempt property taxpayers.

Temporary Homeless Housing by Religious Organizations – House Bill 2929: Religious organizations are allowed to host temporary encampments for the homeless on property owned or controlled by the religious organization. Such encampments may be within buildings owned by the religious organization or elsewhere on property outside of buildings. **HB 2929** would have allowed the State Building Code (SBC) and the Washington State Energy Code (WSEC) to be liberally construed when religious organizations hosted temporary homeless encampments. The bill would have prohibited a city, town, or county from enacting an ordinance or regulation that: (1) required the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings that were built in accordance with the laws at the time of construction; or (2) changed the certificate of occupancy for a building.

Manufactured Home Sales – House Bill 2954: In 2011 the legislature created the Foreclosure Fairness Program as part of an effort to reform the deeds of trust foreclosure process. The program is administered by the Department of Commerce, which provides counseling and mediation assistance to homeowners facing foreclosure. **HB 2954** would have directed the department to conduct a study on the sale and financing of manufactured homes, including a comparison of consumer protections provided for purchases financed with retail installment contracts and purchases under a deed of trust.

Disposition of Tenant Property – Senate Bill 5221: The Residential Landlord-Tenant Act provides a court process called an unlawful detainer action by which a landlord may evict a tenant from the premises. If a tenant is evicted, the landlord may enter and take possession of the tenant's property left on the premises and store the property in any reasonably secure place. The landlord must store the property if the tenant requests the landlord to do so in writing within three days of service of the eviction notice. Otherwise the landlord may store the property at the landlord's discretion unless the tenant objects to the storage of the property. If the tenant objects or the landlord does not elect to store the property, the landlord must deposit the property onto the nearest public

property. **SB 5221** would have allowed any tenant property placed upon the nearest public property to be disposed of by the landlord after the property had remained for a period of not less than five days.

Affordable Housing Incentive Zones – Senate Bill 6311: All real and personal property in the state is subject to a state property tax, unless specifically exempted under law. **SB 6311** would have allowed any city or county in which the county had determined that the establishment of affordable housing incentive zones would have furthered the public interest in preserving or creating affordable housing to designate an affordable housing incentive zone. The bill also would have exempted all real property within an affordable housing incentive zone from property tax.

Affordable Housing – Senate Bill 6422: A \$10 surcharge, authorized by the legislature in 2002, is charged for recording certain documents to support low-income housing projects. The 2007 Legislature named this surcharge the "Affordable Housing for All Surcharge." The county is allowed to keep up to 5 percent of the \$10 surcharge for the collection, administration, and local distribution of the funds. Of the remaining funds, 40 percent is to be used to provide housing and shelter for extremely low-income households, meaning households that make up to 30 percent of the area median income. The remainder of the revenue generated is retained by the counties for low-income housing programs and projects which serve households making at or below 50 percent of the area median income. **SB 6422** would have created the Affordable Housing for All Program (AHFA) with a goal to ensure a decent, appropriate, and affordable home in a healthy, safe environment for every very low-income household by 2026. The priority would have been to reach this goal for extremely low income individuals with a focus on promoting self-sufficiency and economic independence.

Department of Housing – Senate Bill 6518: The Department of Commerce has more than 100 programs that address a wide range of community and economic development objectives. In relation to housing, Commerce provides local governments, nonprofits, and community action agencies with the tools they need to ensure that everyone is housed in their communities. Commerce's work ranges from capital programs for increasing affordable housing stock to programs that prevent families from becoming homeless. Two of these programs are the Housing Trust Fund and the Office of Homeless Youth. **SB 6518** would have created the Department of Housing to ensure affordable housing for all economic segments and to end homelessness for every citizen. The bill would have required the department to determine the daily cost of housing a homeless person; determine the daily cost of wraparound services; measure the safety and satisfaction of those being housed; and rank and order the performance of each county in reducing the percentage of homeless persons in the county.

Homelessness Crisis – Senate Bill 6647: Each year, the state treasurer must deposit 1 percent of general state revenues into the constitutionally created Budget Stabilization Account (BSA). In general, appropriations from the BSA require a three-fifths majority in each chamber of the legislature, but in the case of a catastrophic event or low employment growth, the legislature may appropriate from the BSA with a constitutional majority vote of each chamber. Through **SB 6647**, the legislature would have declared that homelessness constituted a crisis across the state and that the legislature intended to work in concert with other governments and organizations to provide support and funds to increase services to homeless Washingtonians. If **SB 6647** had passed, the Homeless Assistance Account would have been created to be used only for housing assistance, support services, treatment for mental illness and/or chemical dependency, family services, and other purposes to address the state's homeless population. In addition, the bill would have appropriated \$86.8 million for the 2015-2017 biennium from the BSA to the Homeless Assistance Account and \$100 million from the BSA to the Housing Trust Fund.

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WSSC 2016 LEGISLATIVE REPORT LIFE ISSUES

PRINCIPLES

The direct and intentional destruction of innocent human life from the moment of conception until natural death is always wrong and is not just one issue among many. It must always be opposed. ... Racism and other unjust discrimination, the use of the death penalty, resorting to unjust war, the use of torture, war crimes, the failure to respond to those who are suffering from hunger or a lack of health care ... are all serious moral issues that challenge our consciences and require us to act.
- Forming Consciences for Faithful Citizenship, 2015

BILLS THAT PASSED

Maternal Mortality – Senate Bill 6534: In late 2000, in response to two maternal deaths that were initially thought to have similar causes, the State of Washington Perinatal Advisory Committee formed the Maternal Mortality Subcommittee. Reviews are conducted every two to three years. All deaths that occur within a year of pregnancy are reviewed. Due to limited resources, there is limited staffing for this subcommittee. **SB 6534** establishes a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in Washington, identify factors associated with these deaths, and make recommendations for system changes to improve health care services for women.

BILLS THAT DID NOT PASS

Requiring Parental Notification Prior to a Minor Seeking an Abortion – Senate Bill 5289: There are currently thirty-eight states requiring parental involvement in a minor's decision to have an abortion. These statutes generally require notification to the parents and some require parental consent. The U.S. Supreme Court has upheld the constitutionality of parental notification statutes, as long as they include judicial bypass provisions sufficient to protect the minor's rights. **SB 5289** would have prohibited a person from performing an abortion upon a minor unless that person gave at least 48 hours actual notice to one parent or the legal guardian. The WSSC supported this bill.

Pregnancy Accommodations – House Bill 2307: Under the Washington State Law Against Discrimination (WLAD), an employer may not discriminate against a person because of the person's sex or disability. WLAD applies to employers that employ eight or more employees, but does not apply to religious or sectarian organizations not organized for private profit. Depending on the circumstances, an employee who believes she has been discriminated against because of her pregnancy may be able to establish a claim of disability discrimination or sex discrimination. Based on a Washington Supreme Court case, pregnancy itself is not considered a disability. However, if a pregnancy-related medical condition results in the employee becoming temporarily disabled, the laws prohibiting discrimination because of disability could apply. **HB 2307** would have required employers to provide reasonable accommodation in employment for pregnancy, childbirth, or pregnancy-related health conditions, unless the accommodation would impose an undue hardship on the employer's business.

Contraceptives/Year Supply – House Bill 2465: Under the Affordable Care Act (ACA), all health plans must cover preventive services with no cost-sharing. Under federal rules, preventive services include all Food and Drug Administration (FDA)-approved contraceptive methods. Rules adopted by the Office of the Insurance Commissioner (OIC) require a state-regulated health plan to cover prescription contraceptives if it provides generally comprehensive coverage of prescription drugs. **HB 2465** would have required private insurance and Medicaid to reimburse for a 12-month supply of contraceptive drugs.

Pharmacists/Contraception – Senate Bill 6467: The practice of pharmacy is the practice of and responsibility for: interpreting prescription orders; the compounding, dispensing, and distributing of drugs and devices, etc. The practice of pharmacy also permits the pharmacist to enter into a collaborative agreement with a practitioner who is authorized to prescribe drugs. Under the collaborative agreement, the pharmacist may initiate or modify drug

therapy in accordance with written guidelines or protocols previously established and approved for the pharmacist's practice. Currently, pharmacists may prescribe oral contraceptives under a collaborative agreement. **SB 6467** would have modified the practice of pharmacy to allow pharmacists to prescribe and dispense contraceptive patches, contraceptive rings, and oral contraceptives to a person who is at least 18 years old.

Newborn Safe Surrender – Senate Bill 6586: In 2002, the Safety of Newborn Children Act was enacted offering a safe place to leave a newborn child, confidentially, and without fear of punishment. A parent within 72 hours of a child's birth can transfer the baby to a qualified person at a hospital, fire station, or federally designated rural health clinic, and do so anonymously without fear of criminal prosecution for abandoning, or failing to support, the child. Following the abandonment of a deceased newborn girl on the side of a road near a hospital in 2014, King County created the Safety of Newborn Children Task Force to examine ways to improve the implementation of the Safety of Newborn Children Act throughout King County. One of the Task Force's recommendations was to develop protocols with the Department of Social and Health Services (DSHS) for annually reviewing Children's Protective Services intake data on newborns relinquished under the Safety of Newborns Act. **SB 6586** would have required DSHS to collect and compile information regarding: (1) the number and medical condition of newborns transferred under the Safety of Newborn Children Act; and (2) the number and medical condition of newborns abandoned within the state not transferred under the Safety of Newborn Children law. The WSCC supported this bill and will work with advocates during the interim.

Sex-Selection Abortions – Senate Bill 6612: As of February 2016, seven states banned abortions for the purpose of sex selection. In an eighth state, Illinois, enforcement of the ban has been enjoined by a federal court. Since 2009, legislation prohibiting abortion for sex selection has been introduced in at least 21 other states and in the United States Congress. **SB 6612** would have defined "Sex-selection abortion" as an abortion performed solely on account of the sex of the unborn child. Any physician or other person who intentionally or knowingly performs or attempts to perform a sex-selection abortion is guilty of an unranked class C felony punishable by up to 364 days incarceration and/or a fine of up to \$10,000. Any physician who performs a sex-selection abortion is considered to have engaged in unprofessional conduct for which his or her license to provide health care services in the state of Washington must be suspended or revoked. A pregnant woman upon whom the sex-selection abortion had been performed and certain others would have been allowed to commence a civil action for any knowing, intentional, or reckless violation and could have sought both actual and punitive damages. The bill would have prevented any woman upon whom a sex-selection abortion had been performed or attempted from being prosecuted or otherwise held criminally or civilly liable. WSCC supported this legislation.

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WSCC 2016 LEGISLATIVE REPORT AGING AND PEOPLE WITH DISABILITIES

PRINCIPLES

"...the Holy Father encourages all of you to let the light of that glory shine so brightly that everyone may come to recognize the inestimable value of all human life. Even the weakest and most vulnerable, the sick, the old, the unborn, and the poor, are masterpieces of God's creation, made in his own image, destined to live forever, and deserving of the utmost reverence and respect." – Pope Francis, Day of Life Message 2013

BILLS THAT PASSED

DSHS Individual Provider Overtime Rules – House Bill 1725: Aging persons on Medicaid and people with developmental disabilities are eligible to receive in-home care services. The Department of Social and Health Services (DSHS) assesses these eligible persons (consumers) to determine the level of their in-home care needs. The consumers may choose to receive services either from an individual provider (IP) or agency provider. In

fiscal year 2015, IPs provided a total of approximately 50 million hours of personal care to DSHS consumers. Of that amount, approximately 4 million hours or 8.75 percent were hours worked by an IP above 40 hours in one week. **HB 1725** authorizes DSHS to establish rules that limit the number of hours it may pay any single IP, and it is provided emergency rulemaking authority until permanent rules can be adopted. The consumer's right to assign hours to IPs of the consumer's choice must be consistent with rules adopted by the DSHS. An 8.75 percent cap is placed on total IP overtime hours as a share of total projected personal care hours for each fiscal year.

Parent to Parent Program – House Bill 2394: The Parent to Parent Program connects parents of children with certain disabilities and special needs with other volunteer parents who also have children with similar disabilities or special needs. Special health care needs are defined to include disabilities, chronic illnesses, health-related educational or behavioral problems, or the risk of those disabilities, illnesses, or problems. The volunteer parents provide peer and emotional support. The program also offers educational trainings and workshops for parents. There are Parent to Parent programs in 31 counties. Parent to Parent U.S.A. is a national nonprofit organization whose mission is to promote access and quality in parent to parent support for all families who have children or adolescents with a special health need, mental health issue, or disability. In Washington, many of the Parent to Parent programs are hosted by The Arc of Washington State. **HB 2394** mandates that, if funds are provided, the Parent to Parent Program be funded through the Developmental Disability Administration to a Washington State lead organization that has extensive experience supporting and training support parents. Through a contract with the lead organization, each local program must be administered by a host organization. The lead organization shall provide ongoing training to the host organizations and statewide program oversight.

ABLE Savings Accounts – House Bill 2323: Congress passed the Achieving a Better Life Experience (ABLE) Act in December 2014. The law amended the Internal Revenue Code to exempt from taxation qualified ABLE savings programs established by states. Individuals can contribute to these savings accounts for eligible people with disabilities that originated before age 26. Individuals are able to invest up to \$14,000 per year in ABLE accounts. Withdrawals from these accounts will not be taxed so long as the money is spent on qualified expenses such as housing, education, transportation, health care, and rehabilitation. An individual generally cannot have more than \$2,000 in savings or other assets to be eligible for means-tested federal programs such as Medicaid or Supplemental Security Income (SSI). However, investments up to \$100,000 in ABLE accounts will be disregarded as assets for purposes of Medicaid or SSI eligibility. A 2015 report estimates that 35,000 to 50,000 individuals in Washington would be eligible ABLE participants with sufficient resources to make use of the ABLE program. **HB 2323** authorizes a governing board to design and implement the ABLE program by July 1, 2017, in the best interest of eligible individuals. The ABLE program must allow for the creation of savings or investment accounts for eligible individuals with disabilities.

Developmental Disability Protections – Senate Bill 6564: Clients of the Developmental Disabilities Administration (DDA) receive a functional assessment which is updated annually to determine whether the client qualifies for funded DDA services and determine the level of service. Adult Protective Services (APS) investigates allegations of abuse, abandonment, exploitation, or neglect relating to vulnerable adults. According to statutory direction, APS may conduct a fatality review. APS policy is to conduct a fatality review when a vulnerable adult dies and the agency has reason to believe that the death may be related to abuse, abandonment, exploitation, or neglect and the adult is receiving home and community-based services in the adult's home or is living at home and was the subject of a report of abuse, abandonment, exploitation, or neglect within the past 12 months, and also when the death occurs in a licensed or certified setting. **SB 6564** requires DDA to identify clients who have the highest risk of experiencing abuse or neglect and increase home visits for these individuals to at least once every four months. The bill requires the Department of Social and Health Services (DSHS) to conduct a vulnerable adult fatality review when the DSHS has reason to believe the death may be related to abuse, abandonment, exploitation, or neglect, and the individual was receiving services or was the subject of a report with DSHS. The bill also establishes an Office of the Developmental Disabilities Ombuds to provide ombuds services for individuals with developmental disabilities.

BILLS THAT DID NOT PASS

Consumer Directed Personal Care Services - Senate Bill 6662: Washington State provides an array of services and resources for aging and/or disabled adults who wish to remain in their home and need support. One is in-home care services, designed to assist individuals who need help with daily activities such as bathing, eating, dressing, and mobility. In-home care is provided through individual providers or home care agencies. Client needs are assessed and service hours are determined. The majority of individual providers are family members. **SB 6662** would have created a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed Medicaid service program.

Crimes against Vulnerable Adults – House Bill 1499: Seniors and people with disabilities face a growing threat of financial exploitation and abuse. **HB 1499** would have sought to hold accountable those perpetrators who commit theft from seniors and people with disabilities by increasing penalties, reducing barriers to prosecution, and expanding the scope of protection for vulnerable adults. **HB 1499** would have made it a Criminal Mistreatment offense when a person, with criminal negligence (instead of recklessly), withholds the basic necessities of life from a child or dependent person. The bill would have created the crime of Theft from a Vulnerable Adult in the first and second degree and added the crimes of Criminal Mistreatment and Theft from a Vulnerable Adult to the list of crimes against persons.

Property Tax Relief Programs – House Bill 2536: Authorized by a constitutional amendment, qualifying senior citizens, persons retired due to disability, and veterans receiving compensation for a service-connected total disability are entitled to property tax relief on their principal residence. To qualify, a person must be 61 years old in the year of the application or retired from employment because of physical disability, own his or her principal residence and have a disposable income of less than \$40,000 a year. Persons meeting this criteria are eligible for a partial property tax exemption and a valuation freeze. **HB 2536** would have expanded those exempted taxpayers who qualify for the senior citizen property tax exemption program, except for the income requirement, such that they would have been exempt from any amount of excess property taxes that exceed the amount that their disposable income is greater than \$40,000. The Joint Legislative Audit and Review Committee (JLARC) would have been required to measure the effectiveness of the preference by, at a minimum, evaluating the number of participants and the total tax relief provided annually to participants.

Developmental Disabilities Community Account – Senate Bill 6483: Current law directs that all net proceeds from leases of land, conservation easements, the sale of timber or the sale of excess property identified in a 2002 joint legislative audit and review committee capital study of the state's Residential Habilitation Centers (RHCs) be deposited into the Developmental Disabilities Community Trust Account in the state treasury. This account was established in 2005 and is also known as the "Dan Thompson memorial developmental disabilities community trust account." Only investment income from the principal of the proceeds deposited into the account may be spent from the account and monies in the account may only be spent after appropriation from the legislature. Expenditures shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities. **SB 6483** would have removed references to the definition of excess property and required that fifty percent of any proceeds from the sale of property formerly used as an RHC would have been required to be deposited into the trust account in addition to proceeds from the lease of the land, conservation easements and sale of timber.

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WSSC 2016 LEGISLATIVE REPORT MISCELLANEOUS

BILLS THAT PASSED

Historic Cemetery Preservation – House Bill 2637: The Department of Archaeology and Historic Preservation (DAHP) has responsibilities under both federal and state law for helping preserve the cultural and historic resources of the state. Related to cemeteries, DAHP's Human Remains and Cemeteries program investigates non-forensic human skeletal remains found in the state of Washington and the recording of all known cemeteries and burial sites within the state. DAHP is required to develop and maintain a centralized database and geographic information systems spatial layer of all known cemeteries and known sites of burials of human remains. **HB 2637** creates the Washington State Historic Cemetery Preservation Capital Grant program in DAHP. The program's public benefits include: preserving the state's historic heritage, allowing historic cemeteries to continue serving communities, and honoring military veterans. Cemetery property owners, nonprofit organizations, and local governments are eligible to apply for grants for construction, renovation, or rehabilitation projects that preserve a cemetery's historic character, features, or maintain or improve its functions. Grants may be awarded biennially, subject to appropriation. Grant awards are capped at \$50,000, adjusted each biennium for inflation. No match may be required from applicants.

BILLS THAT DID NOT PASS

Recognizing César Chávez Day – House Bill 1560: Cesar Chavez, a Mexican-American born March 31, 1927, was an American farm worker, labor leader, and civil rights activist that worked to improve the treatment, pay, and working conditions of farm workers. He co-founded the National Farm Workers Association, which later became the United Farm Workers Union. He died April 23, 1993. His birthday, March 31, is recognized as a state holiday in California, Colorado, and Texas. Washington State recognizes certain days of the years to honor and highlight specific people. These days are not legal holidays. **HB 1560**, which WSSC supported, would have designated March 31st as César Chávez Day in Washington State.

Washington Voting Rights Act – House Bill 1745: Fifty years ago, during the peak of the Civil Rights Movement, President Lyndon Johnson signed the Voting Rights Act (VRA) to put an end to discriminatory election laws that denied minorities the right to vote. The Act prohibited states and localities from using election practices that impair the ability of a race or language minority group to elect its candidate of choice on an equal basis with other voters. Claims have been raised about minority voter dilution based on the method of how voting districts were drawn. The discriminatory effect under a voter dilution claim is that minority votes are dispersed throughout the districts, which weakens their ability to influence the election. Voter dilution claims also occur in at-large general elections held to elect members for multiple districts. **HB 1745** would have established a voting rights act to promote equal voting opportunity in certain political subdivisions, and authorized these subdivisions to switch from at-large elections to district-based elections. It also would have prohibited election districts that are drawn in a manner that denies an equal opportunity for members of a race, color, or language group to elect candidates of their choice.

Gender Segregated Facilities – Senate Bill 6443: The Washington State Human Rights Commission consists of five members appointed by the Governor with the advice and consent of the Senate. The commission may adopt, amend, and rescind suitable rules to carry out the provisions the Law Against Discrimination. In late 2015, the commission adopted a rule, WAC 162-32-060, on gender-segregated facilities, allowing individuals the use of gender-segregated facilities (public bathrooms, locker rooms, and dressing rooms) “consistent with their gender expression or gender identity.” **SB 6443** would have required the commission to repeal WAC 162-32-060 on gender-segregated facilities in its entirety. If the bill had passed, the commission would have been prohibited from initiating any rule-making procedure that involved the subject of gender segregated facilities.