



Legislative Update

Friday, Jan. 15, 2016

The 2016 legislative session kicked off this week and is expected to adjourn on March 10. This year's Legislature must address a variety of issues including court mandates regarding basic education funding and mental health services. Other issues being discussed include gun safety, employment rights, early release of inmates, charter schools, and a supplemental budget for Washington state.

The 2016 WSBA Legislative Agenda is the main priority for the WSBA Office of Legislative Affairs. The agenda includes:

- **Sponsor new legislation:** a legislative proposal created from the WSBA Corporate Act Revision Committee within the Business Law Section related to the antitakeover statute, [SB 6205](#) (Sponsors: Pedersen, O'Ban, Frockt, Fain).
- **Support new and existing legislation:** proposals that continue to create and promote access to justice for all Washingtonians; efforts that enhance statewide civics education; and funding for the state's court system.
- **Monitor new and existing legislation:** proposals that would increase existing court user fees; alter court rules and/or the structure of the state's judiciary branch; and other items of significance to the practice of law and administration of justice.

Non-WSBA request bills referred to relevant sections that are being monitored include:

- [SB 6300](#) (O'Ban)/[HB 2496](#) (Kilduff) by request of the Attorney General: concerning pro bono legal services for military service members, veterans, and their families (LAMP: support).
- [SB 5635](#) (Pedersen): enacting the uniform power of attorney act (Elder Law: support; Family Law: support with concerns).
- [SSB 5029](#) (Pedersen): concerning the uniform fiduciary access to digital assets act (Elder Law, RPPT: support).

Other issues WSBA is tracking this session include court funding, legal financial obligations, the death penalty, and conversations around changes to the judicial branch and criminal justice system.

Important cutoff dates for the 2016 session are as follows:

- **January 11:** Session begins
- **February 5:** Policy committee cutoff
- **February 9:** Fiscal committee cutoff
- **February 17:** House of origin cutoff
- **February 26:** Policy committee cutoff (opposite house)
- **February 29:** Fiscal committee cutoff (opposite house)
- **March 4:** Oppose house cutoff
- **March 10:** Adjourn (Sine Die)



Legislative Update

Friday, Jan. 22, 2016

The second week of this busy legislative session has come to end. This week, legislators discussed and considered a number of statewide issues including the early release situation within the Department of Corrections, voting rights, gun safety, and state charter schools.

WSBA-request bill heard

[SB 6205](#), the WSBA-request bill, was heard this week in the Senate Law and Justice Committee. Chair Mike Padden, R-Spokane Valley, and committee members received testimony from Mike Hutchings, co-chair of the **WSBA Business Law Section's Corporate Act Revisions Committee** in support of [SB 6205](#) that clarifies voting shares under corporations with dual class stock structures.

To proceed in the legislative process this session, this bill must be voted out of committee before Feb. 5, the mandated policy committee cutoff date.

[Watch the testimony on TVW.](#)

Guardianship bills heard

Megan Farr, legislative co-chair of the **WSBA Elder Law Section**, testified with concerns on two guardianship-related bills in the House Judiciary Committee. [HB 2401](#), prime-sponsored by Rep. Kochmar, R-Federal Way, provides a process for a person to obtain a court order for visitation with his or her adult relative, close friend, or neighbor. [HB 2402](#), also prime-sponsored by Rep. Kochmar, requires a guardian or limited guardian to inform an incapacitated person's relatives as soon as reasonably possible if the incapacitated person dies or is hospitalized for three days or more.

To proceed in the legislative process this session, these bills must be voted out of committee before Feb. 5, the mandated policy committee cutoff date.

[Watch the testimony on TVW.](#)

Pro bono services bill heard

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The Senate Law and Justice Committee this week heard testimony regarding [SB 6300](#), prime-sponsored by Sen. Steve O'Ban, R-Tacoma, and by request of the Attorney General's office. This bill would create the Office of Military and Veteran Legal Assistance to promote and facilitate civil legal assistance programs, pro bono services, and other resources to military service members, veterans, and their families across the state.

The **WSBA Legal Assistance to Military Personnel Section** communicated their support for [SB 6300](#).

To proceed in the legislative process this session, this bill must be voted out of committee before Feb. 5, the mandated policy committee cutoff date.

Cutoff dates

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Resources

To keep track of WSBA legislative activity, please visit the [WSBA's Office of Legislative Affairs](#) for [bills referred to Sections](#), [WSBA policies](#), and other important information.



Legislative Update

Friday, Jan. 29, 2016

Legislators wrapped up the third week of session with a flurry of committee hearings and floor action regarding K-12 education issues. With the first committee cutoff dates fast approaching, legislators are working to pass bills through policy and fiscal committees to keep issues alive during this 60-day session.

WSBA LAMP Section heads to Olympia

Andrew Pierce, a representative of **WSBA's LAMP Section**, testified in support of [HB 2496](#) on Wednesday, Jan. 27, before the **House Judiciary Committee**. HB 2496, prime-sponsored by **Rep. Christine Kilduff, D-Tacoma**, is by request of the Attorney General to create an Office of Military and Veteran Legal Assistance to coordinate pro bono legal services with a variety of stakeholders across the state. Organizations involved in this effort include the Department of Defense, Office of Civil Legal Aid, the Washington State Veterans Bar Association, and others.

HB 2496 has been scheduled for executive action on Feb. 4 in the House Judiciary Committee.

[Watch the testimony on TVW.](#)

WSBA-request bill makes progress

[SB 6205](#), the WSBA-request bill, is scheduled to be voted out of the **Senate Law and Justice Committee** on Monday, Feb. 1 at 1:30pm. Drafted by the **Corporate Act Revisions Committee** within the **WSBA Business Law Section**, SB 6205 clarifies the definition of an acquiring person for Washington corporations who publicly trade and have a dual class stock structure.

Next week preview

Marking nearly the halfway point of the 2016 session, next week marks the first of many mandated cutoff dates. Bills must pass their respective policy committees before Friday, Feb. 5, to advance further in this year's session.

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Legislative Update

Friday, Feb. 5, 2016

Nearing the halfway point of session, the first round of mandated cutoff dates occurred this week. By the end of day Friday, all policy bills were required to be voted out of their committees in order to advance this session. In addition, supplemental budget conversations have begun as legislators await an updated state revenue forecast in mid-February to help direct resources for critical statewide services. Below is an update regarding bills of interest for the WSBA.

WSBA-request bill progresses

[SB 6205](#), the WSBA-request bill, was voted unanimously out of the **Senate Law and Justice Committee** on Monday, Feb. 1. This bill modifies the definition of an acquiring person under the antitakeover statute, for publicly traded corporations with a dual class stock structure.

SB 6205 has been referred to the Senate Rules Committee, the last stop before consideration by the full Senate.

Uniform Power of Attorney Act progresses

[SB 5635](#), prime-sponsored by **Sen. Jamie Pedersen, D-Seattle**, was heard in the **Senate Law and Justice Committee** on Tuesday, Feb. 2. **Karen Boxx**, representing the **Elder Law and Real Property, Probate and Trust Sections**, testified in support of this bill that would make substantive changes to Washington's durable power of attorney law.

SB 5635 was voted out of the Senate Law and Justice Committee on Feb. 3. It has been referred to the Senate Rules Committee.

[Watch the testimony on TVW.](#)

Paternity termination bills heard

[SB 6452](#), prime-sponsored by **Sen. Pam Roach, R-Auburn**, would allow a father to challenge paternity subject to a DNA test in Superior Court. If not the biological father,

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the man may sue the mother for back child support. **Chuck Szurszewski**, a representative of the **WSBA Family Law Section**, testified in opposition to [SB 6452](#) and its companion [HB 2612](#) on Tuesday, Feb. 2 before the **Senate Law and Justice Committee** as well as the **House Judiciary Committee**.

[Watch the SB 6452 testimony on TVW.](#)

[Watch the HB 2612 testimony on TVW.](#)

Next week

Another critical cutoff date for session is Monday, Feb. 8 for all bills with a fiscal impact of greater than \$50,000. There will be a flurry of activity in fiscal committees and legislators will also start to hear bills on the Senate and House Floors.

For additional information and resources regarding legislative activity, please visit [WSBA Legislative Affairs](#).



Legislative Update

Friday, Feb. 12, 2016

The 60-day legislative session has passed the halfway point. Lawmakers still need to reach consensus on a number of important issues including a supplemental budget and Supreme Court decisions regarding basic education and mental health funding.

WSBA-request bill passes the Senate

[SB 6205](#), the WSBA-request bill, was voted out of the Senate unanimously on Monday, Feb. 15. Legislators speaking in favor of the bill included **Sen. Jamie Pedersen**, D-Seattle, and **Sen. Mike Padden**, R-Spokane Valley.

SB 6205 will now be referred to the House Judiciary Committee where it will repeat the process in the opposite chamber.

Other legislation progressing

Bills referred to WSBA Sections are moving through the legislative process this session. Topics include durable power of attorney, elder justice centers, legal financial obligations, fiduciary access to digital assets, and others.

To find out which bills referred to WSBA Sections are progressing this session, visit [bill referrals](#) on the WSBA Legislative Affairs web page.

House of origin cutoff approaching

Feb. 17 marks an important cutoff date: House of Origin. All bills in the House and Senate must pass their original chamber in order to be eligible to proceed this session. Bills that do not pass will no longer be considered or discussed by members of the House and Senate.



Legislative Update

Friday, Feb. 19, 2016

Both chambers of the Legislature passed a number of measures this week just in time for another important cutoff date on Feb. 17, House of Origin; when bills that haven't passed to the other chamber are no longer eligible to proceed this session. Bills still moving through the process this session include services for veterans, a plan to fund basic education, workplace accommodations for pregnant workers, and other issues.

Administrative Procedures Act bill heard

[SSB 6019](#), a bill that would change the way state agencies adjudicate administrative issues, was heard in the **House Judiciary Committee** on Feb. 17. **Alison Grazzini**, WSBA Legislative Affairs Manager, testified with concerns on behalf of the **WSBA Administrative Law Section**. The bill, as currently drafted, creates confusion within the state's Administrative Procedures Act ([RCW 34.05](#)), increases costs to state agencies, and potentially violates federal law. Others testifying included the Association of Washington Business, Washington State Association for Justice, Columbia Legal Services, and the Office of Administrative Hearings.

SSB 6019 needs to be voted out of committee before Friday, Feb. 26, in order to be eligible to continue this session.

[Watch the testimony on TVW.](#)

WSBA Sections testify on Uniform Law Commission bills

Karen Boxx, representing the **Elder Law and Real Property, Probate & Trust Sections**, testified in support regarding two Uniform Law Commission-request bills in the **House Judiciary Committee** on Feb. 18.

[SSB 5635](#), creating the Uniform Power of Attorney Act, is prime-sponsored by **Sen. Jamie Pedersen**, D-Seattle, and passed the Senate unanimously on Feb. 12. This bill defines durable powers of attorney and creates provisions that ensure principals in our state are protected.

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[ESSB 5029](#), creating the Uniform Fiduciary Access to Digital Assets Act, also prime-sponsored by Sen. Pedersen, passed the Senate unanimously on Feb. 9. This bill creates standards for custodians of digital assets when a fiduciary needs access to electronic information to perform management duties when power of attorney is enacted.

[Watch the testimony on TVW.](#)



As legislators enter the final two weeks of the 60-day session, supplemental budget proposals have taken center stage. In addition to bills such as a task force dedicated to studying the use of deadly force, the use of body cameras as well as dual investigations into the Department of Corrections' early release of offenders, many issues are still alive and moving this session.

WSBA-request bill progresses

[SB 6205](#), the WSBA-request bill, was heard in the **House Judiciary Committee** on Tuesday, Feb. 23.

Michael Hutchings, Corporate Act Revisions Committee Co-Chair, testified in support of the measure that would modify the definition of an acquiring person for publicly-traded corporations who have dual class stock structures.

SB 6205 was voted out of the House Judiciary Committee on Friday, Feb. 26. It has been referred to the House Rules Committee for further action.

Child support work group bill receives hearing

[2SHB 1037](#), prime-sponsored by **Rep. Jim Moeller**, D-Vancouver, was heard in the **Senate Law and Justice Committee** on Feb. 23. This bill would make permanent the recommendations provided by a legislative-created work group to revise child support laws in our state. The WSBA Family Law Section supports this bill and is a participant on the work group.

2SHB 1037 was not voted out of the Senate Law and Justice Committee before the Feb. 26 committee cutoff. Therefore, it will not reach final passage this session.

Homeless youth, student protection bills heard

A bill that seeks to help homeless students through increased school guidance, housing assistance, and other means was heard in the **Senate Early Learning and K-12 Education Committee** on Feb. 22. [3SHB 1682](#), prime-sponsored by **Rep. Jake Fey**, D-Tacoma, passed the House on Feb. 10. The WSBA Juvenile Law Section supports this bill.

3SHB 1682 was voted out of the Senate Early Learning and K-12 Education Committee and referred to the Senate Rules Committee for further action.

[HB 2597](#), prime-sponsored by **Rep. Tina Orwall**, D-Des Moines, was also heard in the **Senate Early Learning and K-12 Education Committee** on Feb. 22. If passed, this bill would require school districts to include sexual abuse as a topic in plans to assist students' with emotional issues. HB 2597 was voted out of the House unanimously on Feb. 10. The WSBA Juvenile Law Section supports this bill as well.

HB 2597 was voted out of the Senate Early Learning and K-12 Education Committee and referred to the Senate Rules Committee for further action.

WSBA LAMP Section testifies

Jeffrey Coats, a representative from the **WSBA Legal Assistance to Military Personnel Section**, testified in support of [SHB 2496](#) before the **Senate Law and Justice Committee** on Feb. 26. This bill creates an Office of Military and Veteran Legal Assistance within the Attorney General's office. Other stakeholders testifying and supporting the bill include the Attorney General, Department of Defense, and Office of Civil Legal Aid.

SHB 2496 was voted out of the Senate Law and Justice Committee and referred to the Senate Ways and Means Committee for further action.

[Link to testimony.](#)

Upcoming cutoff dates

Next week marks two important cutoff dates in the waning days of the 2016 legislative session:

- **Feb. 29: opposite house fiscal committee cutoff.** Bills from the opposite chamber with a fiscal impact of greater than \$50,000 must be voted out of their respective fiscal committees to be eligible to proceed this session.
- **March 4: opposite house floor cutoff.** Bills from the opposite chamber must be voted on by the full House or Senate by 5 p.m. in order to reach final passage this session.



Legislative Update

Friday, March 4, 2016

With a few days remaining in the 2016 session, legislators are negotiating compromises on a variety of issues including charter schools, mental health funding, and the overall supplemental appropriation package for state-funded services.

Another critical bill deadline came and went last week with a number of bills being sent to the Governor's desk to be signed into law:

WSBA-request bill reaches final passage

[SB 6205](#), the WSBA-request bill, was passed by the House on Thursday, March 3 with a vote of 91-6. The Senate passed this bill unanimously two weeks ago, which means, SB 6205 will now be delivered to the Governor for signature.

Originating from the **Business Law Section's Corporate Act Revisions Committee**, SB 6205 modifies the definition of an "acquiring person" for publicly-traded Washington state corporations with a dual class stock structure.

Uniform bills pass the House

[SSB 5635](#), enacting the uniform power of attorney act, passed the House with a unanimous vote on March 3. An important bill for the **Elder Law** and **RPPT Sections**, SSB 5635, prime-sponsored by **Sen. Jamie Pedersen**, D-Seattle, was sent back to the Senate for concurrence in amendments made by the House. If the Senate concurs, SSB 5635 will be delivered to the Governor for signature.

[SSB 5029](#), concerning uniform fiduciary access to digital assets, passed the House 80-15 (3 excused) on March 3. Also prime-sponsored by **Sen. Pedersen**, and important to the **Elder Law** and **RPPT Sections**, this bill will now be sent back to the Senate for concurrence in amendments made by the House. If the Senate concurs, SSB 5029 will be delivered to the Governor for signature.

Oppose House of Origin cutoff passes

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The final cutoff date of the legislative session was March 4. Bills that are not subject to cutoff dates are those deemed “necessary to implement the budget” such as revenue-generating bills.

The next critical deadline is Sine Die, or the last day of session, March 10.

Resources

To stay informed of legislative activity including bill referrals, post-session summaries, and other information, please visit the **WSBA Legislative Affairs** [web page](#).



Legislative Update

Friday, March 25, 2016

The Legislature adjourned Sine Die on March 10, the last day of the regular session. However, Gov. Inslee immediately called for a special session moments after adjournment to allow lawmakers extra time to reach consensus on a supplemental operating budget.

Special session schedule

The 30-day special legislative session is scheduled to end on April 8. At that time, lawmakers hope to have finalized a supplemental operating budget. While progress has been made, additional time is needed to find common ground regarding issues such as using the state's rainy day fund to pay for last year's wildfires, as well as funding for mental health services.

Budget negotiators are typically the only legislators in Olympia during this process. Other lawmakers not associated with budget writing have returned to their districts across the state.

Bill action

Each time a new session begins all bills in the same biennium are reintroduced and eligible to be reconsidered. While special sessions are usually meant for budget action, legislators may be interested in working on select policy items that can be accomplished within the 30-day special session window.

WSBA Legislative Affairs will continue to monitor these discussions and keep WSBA entities apprised of any relevant legislative activity.

Governor bill action

There are a number of WSBA-priority bills that passed during the regular session that are awaiting a signature by Gov. Inslee. These include, but are not limited to:

- [SB 6205](#) (Bar-request bill): Clarifying when a person is an acquiring person of a target corporation with more than one class of voting stock.

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- [ESSB 5635](#): Enacting the uniform power of attorney act.
- [ESSB 5029](#): Concerning the revised uniform fiduciary access to digital assets act.

In an unprecedented move, Gov. Inslee vetoed a number of bills he deemed unnecessary this session in a closed-door bill ceremony on March 10. While none of these bills impact the Bar, WSBA Legislative Affairs is tracking bill action closely and will alert relevant WSBA entities when a bill is scheduled for action (either by the Governor or Legislature).

[Link to Gov. bill signing information.](#)

[Link to status of bills referred to WSBA Sections.](#)