

To: WSBA Board of Governors
From: Sara Niegowski, WSBA Chief Communications and Outreach Officer
Russell Johnson, WSBA Interim Legislative Affairs Specialist
Date: May 6, 2021
Re: 2021 Legislative Session Wrap-Up

BACKGROUND: The following is provided for the Board's information regarding action taken by the Legislature during the 2021 session.

The 105-day 2021 regular session began on January 11 and adjourned on April 25. It was in many ways an unprecedented session, with nearly all the Legislature's business conducted fully- or mostly-remotely. Despite the obstacles presented by such circumstances, the Legislature conducted a productive session.

OVERVIEW:

2021 WSBA Legislative Priorities

Priority #1: Sponsor Bar-Request legislative proposals initiated by WSBA Sections that are approved by the Board.

The WSBA had two request bills this session: [SB 5005](#) and [SB 5034](#). SB 5005 originated from the Corporate Act Revision Committee of the Business Law Section. The bill updated the Washington Business Corporation Act to enable corporations to deliver notices and other communications to shareholders and directors by email and other forms of electronic transmission without obtaining prior consent to do. SB 5005 was signed into law on 4/16/2021 and goes into effect 7/25/2021.

SB 5034 originated from the Nonprofit Corporations Committee of the Business Law Section. The bill is a comprehensive update and modernization of the Washington Nonprofit Corporations Act, which has not received a significant overhaul since it was enacted in 1967. Among the many changes in the new act are more efficient processes for electronic transmission of notices and meetings, more comprehensive rules governing members and directors, and updates in record keeping and filing requirements. It also addresses charitable assets of nonprofit corporations and addresses the authority of the attorney general to investigate and intervene to protect charitable assets. SB 5034 was signed into law on 5/3/2021 and goes into effect 1/1/2022.

Priority #2: Support non-Bar request legislative proposals approved by the Board under GR 12.

The Board Legislative Committee (BLC) took action to support the funding of Resolution Washington, the statewide association of dispute resolution centers. The BLC also took action, in collaboration with the Elder Law Section, to oppose the passage of [HB 1197](#), an act relating to health care decisions made by a designated person. The BLC also voted to support the passage of [SB 5339](#), but that bill did not pass out of policy committee.

Priority #3: Monitor and take appropriate action on legislative proposals significant to the practice of law and administration of justice.

The WSBA Legislative Affairs team monitored numerous legislative proposals that might have impacted various WSBA entities. The following is a list of some of the key bills that were monitored and involved working collaboratively with relevant WSBA Sections:

- [HB 1042](#) (Rep. Thai): Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation (Family Law: Support). Signed into law. Effective date: 4/14/2021
- [HB 1078](#) (Rep. Simmons): Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections (Civil Rights Law: Support). Signed into law. Effective date: 1/1/2022
- [HB 1090](#) (Rep. Ortiz-Self): Concerning private, for-profit detention facilities (Civil Rights Law: Support). Signed into law. Effective date: 4/14/2021
- [HB 1171](#) (Rep. Walen): Amending child support income withholding provisions to comply with federal child support program requirements (Family Law: Support). Signed into law. Effective date: 7/25/2021
- [HB 1197](#) (Rep. Riccelli): Concerning health care decisions made by a designated person (Elder Law: Oppose). Passed House but did not pass Senate policy committee.
- [HB 1202](#) (Rep. Thai): Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive declaratory relief (Civil Rights Law: Support). Passed committee but did not receive floor vote.

- [SB 5225](#) (Sen. Hunt): Concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act (Administrative Law: Support). Passed both chambers and awaiting Gov. Inslee's signature.
- [SB 5355](#) (Sen. Conway): Establishing wage liens (Creditor Debtor Rights: Concerns). Signed into law. Effective date: 1/1/2022
- [SB 5408](#) (Sen. Stanford): Concerning the homestead exemption (Creditor Debtor Rights: Concerns). Passed both chambers and awaiting Gov. Inslee's signature.

Session statistics

During the legislative session this year, the WSBA Legislative Affairs team:

- Referred **712** bills to WSBA Sections;
- Continuously tracked **489** bills through the end of session;
- Coordinated with Sections for action on **11** bills

Legislative interim

The WSBA Legislative Affairs team will be collaborating with Sections to debrief on the 2021 legislative session and how to continue to improve processes for future sessions. The WSBA Legislative Affairs team is adding a new, familiar, Legislative Affairs Manager in Sanjay Walvekar. Over the interim, relevant WSBA entities and the WSBA Legislative Affairs team will monitor and participate in discussions with legislators and legislative staff regarding various legislative proposals. The WSBA Legislative Affairs team will also work with Section executive committees to share information about the legislative process, set and align legislative goals, and develop best practices for a successful 2022 legislative session.