

WASHINGTON STATE BAR ASSOCIATION

BOG Legislative Committee

March 17, 2023 – 4:00 PM

Attendance

Governors: Francis Adewale, Sunitha Anjilvel, Lauren Boyd, Erik Kaeding, Nam Nguyen, Mary Rathbone, Alec Stephens

Absent: Hunter Abell, Dan Clark, Kevin Fay, Brian Tollefson

Staff: Camden Fobert, Sanjay Walvekar, Julie Shankland

Guests: Alex Alston (Session lobbyist)

Meeting Minutes

Governor Rathbone moved to approve the February 17th committee meeting minutes (seconded by Governor Boyd). The motion passed 7-0.

The Committee heard a report on WSBA entity activities ([SB 5004](#), [HB 1088](#), [SB 5318](#), [SB 5589](#)).

The Committee heard an overview of the legislative session, including [SB 5536](#), [HB 1715](#), [SB 5033](#), and other topics.

The meeting was adjourned at 4:27 pm.

Re: Comments to the Suggested Amendments to RPC 1.8(e) from the Pro Bono and Public Service Committee of the Washington State Bar Association

Dear Chief Justice Gonzalez and the Honorable Justices of the Supreme Court:

Introduction

The Pro Bono and Public Service Committee of the Washington State Bar Association (PBPSA) is committed to promoting, supporting and expanding opportunities for Washington lawyers to meet their professional commitments through pro bono and public service activities to advance access to justice for Washington's neediest citizens. As such, the PBPSA supports the suggested amendment to RPC 1.8(e). The suggested amendment specifically allows Washington lawyers to pay court costs and expenses of litigation for indigent clients to whom they are providing free representation. The suggested amendment also permits the lawyer to make modest gifts for necessary personal expenses consistent with the goals of the litigation.

Background and Need for Amendment

The suggested amendment would establish an important and limited exception to the general rule expressed in RPC 1.8(e) that prohibits a lawyer from advancing court costs or expenses of litigation without holding the client ultimately responsible for the costs. In our experience as legal aid and pro bono providers of free legal services, indigent clients are often confused by and scared of embarking on litigation necessary to protect and preserve their rights when they are told that, while the legal services they will receive are free, they must pay any expenses or repay those fronted by the lawyer on their behalf. Many potential clients fail to pursue litigation that they have every right to pursue because of fear that they will not be able to repay the costs. This is true in a variety of cases, including where potential clients are defending against unlawful evictions, debt collections, and other similar actions, or seeking to obtain affirmative relief such as a domestic violence protection order or other family law order, or enforcement of rights to public or medical assistance, or educational and employment rights.

Even when an indigent client agrees to pay litigation costs, they are often unable to benefit from the goals of the representation when they are unable pay rent, medical expenses, costs of transportation, or other life expenses necessary to preserve their rights. Thus, many indigent persons choose to forgo litigation or necessary appeals and lose important rights as a result. The suggested amendment to RPC 1.8(e) enables the lawyer to support the client through the litigation by personally paying for the client's necessities, without any expectation of repayment or payment of a fee.

This very limited exception to the general rule of RPC 1.8(e) does not create any conflict or provide any incentive for the client to pursue the representation insofar as the lawyer has no

financial interest in the litigation and the lawyer has no expectation of payment from the client. While the suggested amendment allows a lawyer to recover the costs and fees through a fee-shifting statute, unless the client prevails the lawyer has no expectation of payment or repayment of the extended costs. Moreover, the court has discretion to determine the fees and costs to be paid by an opposing party, subject to standards established by law.

The suggested amendment promotes access to justice for indigent persons by providing them the assurance that they will not be held responsible for expenses that may be fronted on their behalf if they do not prevail. In this regard, the suggested amendment differs significantly from a former amendment to RPC 1.8(e), which would not have been limited to pro bono or free legal aid representation of indigent persons. Rather the prior amendment (since repealed) enabled private attorneys who provided legal services on a contingency fee basis to front the costs of litigation in exchange for a percentage of a damages award. In those cases, the lawyer fully expected to be paid from an award *to the client*. The instant suggested amendment would only allow the lawyer to receive an attorney fee award and reimbursed costs from the opposing party should the client prevail. The attorney's relationship with the client for all intents and purposes remains outside a fee for service arrangement.

Recommended Edit to Suggested Amendment

The suggested amendment to RPC 1.8(e) also includes a new Comment to the rule. As suggested, Comment [13] reads as follows:

[13] Financial assistance, including modest gifts pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which a lawyer may eventually recover a fee, such as contingent-fee personal injury cases, or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

While the PBPSC fully endorses the suggested amendment to the rule and much of Comment [13], it asks the Court to consider omitting from new Comment [13]: “or cases in which fees may be available under a contractual fee-shifting provision, ...” This language is not supported by the substance and purpose of the rule itself and would impair access to justice for indigent clients when the right to costs and attorney fees arises only under a reciprocal contract obligation. Prime examples involve enforcement of employment rights under certain labor and consumer contracts or a residential lease or other contract that may not be covered by the residential landlord-tenant act.

Washington's Legislature has also determined as a matter of public policy that fee shifting in contractual relationships should not be used to obtain an unfair advantage. RCW 4.84.330, first adopted in 1977, renders contractual attorney fee provisions mutual. It provides:

In any action on a contract or lease entered into after September 21, 1977, where such contract or lease specifically provides that attorneys' fees and costs, which are incurred to enforce the provisions of such contract or lease, shall be awarded to one of the parties, the prevailing party, whether he or she is the party specified in the contract or lease or not, shall be entitled to reasonable attorneys' fees in addition to costs and necessary disbursements.

Attorneys' fees provided for by this section shall not be subject to waiver by the parties to any contract or lease which is entered into after September 21, 1977. Any provision in any such contract or lease which provides for a waiver of attorneys' fees is void.

As used in this section "prevailing party" means the party in whose favor final judgment is rendered.

The purpose of RCW 4.84.330 is to level the playing field between the parties. While RCW 4.84.330 is not in itself a fee-shifting statute per se, contractual fee-shifting in Washington operates similarly.

While the problematic language of the suggested amendment is identical to the ABA Model Rule on which the suggested amendment is based, there is no stated rationale for the language in the Model Rule. See [20A107 \(americanbar.org\)](https://www.americanbar.org/rules/20A107). The only stated rationale for the comment in the Model Rule is as follows: "New Comment [13] underscores that contributions may be made even if the representation is eligible for fees under a fee-shifting statute but not in connection with contingent-fee personal injury cases or other specified matters." The ABA was primarily concerned about not allowing private lawyers to front the costs of litigation or make modest gifts as an incentive for prospective clients to hire them with every expectation that the lawyer would obtain a fee *from the client*. The narrow exception created by the Suggested Rule for lawyers providing their services for free to low-income persons should be available regardless of whether a potential fee payment is available from the *opposing party* in a prevailing party fee arrangement. A contract based fee-shifting arrangement is no more likely to create an incentive for a lawyer to provide their services pro bono or through a public interest free legal aid organization than is a fee-shifting statute. Cases handled by pro bono attorneys or legal aid organizations largely fall into areas of basic needs, housing preservation, and consumer protection – areas in which fee-shifting statutes already exist.

It makes little sense to prohibit the humanitarian and access to justice goals of the suggested rule when a lawyer provides free representation for an indigent client because a contractual fee-shifting provision may shift the payment of fees and costs to the opposing party. Just as Washington statutory law treats contractual and statutory fee provisions the same, pursuant to RCW 4.84.330, Rule 1.8(e) should do so as well. It is unreasonable to assume a lawyer would, as a matter of self-interest, pursue a case when the merits are such that there is a substantial threat that the client could be saddled with significant debt. Given the potential downside of the prohibition, the PBPSC respectfully asks the Court to approve the suggested amendment and proposed Comments subject to deleting “or cases in which fees may be available under a contractual fee-shifting provision,” from Comment [13].

Respectfully submitted,

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

MEMO

To: Governor Lauren R. Boyd, Chair, BOG Legislative Committee

From: Douglas J. Ende, WSBA Chief Disciplinary Counsel

Date: March 28, 2023

Re: Draft comments on proposed amendment to RPC 1.8(e) from the WSBA Pro Bono and Public Service Committee

On March 16, 2023, I received a copy of draft comments on the amendment to RPC 1.8(e) prepared by the WSBA Pro Bono and Public Service Committee (PBPSC). The PBPSC, through Deborah Perluss, is requesting that the BOG Legislative Committee approve the draft comments for submission to the Supreme Court during the public comment period for the proposed amendment. The amendment to RPC 1.8(e) was developed by the WSBA Committee on Professional Ethics and approved by the Board of Governors for submission to the Supreme Court as a suggested amendment on January 13, 2022. The Supreme Court ordered the amendment published for public comment on March 31, 2022. The comment deadline is April 30, 2023.

The PBPSC, which is otherwise supportive of the proposed amendment, directs its attention at proposed Comment [13], which specifies that financial assistance, including modest gifts, may be provided “even if the representation is eligible for fees under a fee-shifting statute.” By contrast, Comment [13] excludes from eligibility for financial assistance other situations “in which a lawyer may eventually recover a fee, such as contingent-fee personal injury cases, or cases in which fees may be available under a contractual fee-shifting provision . . .” (Emphasis added.) The Committee seeks to ask the Supreme Court to omit the language about contractual fee-shifting provisions on grounds that it is not supported by the purpose of the rule, and because pursuant to RCW 4.84.330 “Washington statutory law treats contractual and statutory fee shifting provisions the same . . .” Draft PBPSC Comment at 2, 4.

On March 27, 2023, Deborah Perluss and I discussed the PBPSC draft comment and exchanged a number of emails seeking to find common ground on the language of the draft. Deborah Perluss revised the draft comment a number of times in an effort to assuage my concerns, and the current draft is a productive and good faith effort in that regard. Nevertheless, I believe two observations about issue will help the Legislative Committee better understand the larger context of this issue.

- I. The reason the ABA differentiated between statutory fee-shifting provisions and contractual fee-shifting provisions

The “modest gifts” exception to the general RPC 1.8(e) prohibition on lawyers providing financial assistance to clients, incorporated into the ABA Model Rules in 2020, was designed to

be a “narrow exception” to the rule. Report 107 to the ABA House of Delegates 1 (August 2020) [hereinafter Report]. The longstanding general prohibition on financial assistance is intended to prevent lawyers from subsidizing lawsuits, which could “encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation.” Comment [10] to RPC 1.8(e). Comment [12] to ABA Model Rule 1.8(e), as well as the counterpart Proposed Comment [12], makes it clear that the modest gifts exception “is narrow,” and that such gifts “are allowed in specific circumstances where it is unlikely to create conflicts of interest or invite abuse.”

The pending proposed amendment to Washington’s RPC 1.8(e) is based on the Model Rule version and tracks it closely, though it does depart from it in some respects. The basis for the ABA’s distinction between statutory fee-shifting provisions and contractual fee-shifting provisions is not spelled out in Report 107, but it is clear that the ABA did not authorize modest-gift financial assistance in all cases involving court-awarded attorneys’ fees. Report 107, prepared by the then Chair of the ABA Standing Committee on Ethics and Professional Responsibility, repeatedly calls out statutory fee-shifting provisions for different treatment:

- “The assistance is permitted even if the representation is eligible for an award of attorney’s fees under a fee-shifting statute, for example, the Civil Rights Attorney’s Fees Award Act.” Report, at 6.
- “[I]n public interest fee-shifting cases the proposed rule will reinforce the legislative goal of facilitating rather than impeding court access. It would frustrate that goal and achieve no benefit if the amendment allowed financial assistance to indigent clients only if a lawyer were willing to forego a court-ordered fee under a fee-shifting statute.” Report, at 10.

Evidently, the specific policy goal of facilitating court access in public-interest litigation was strong enough to overcome the ethics-policy goal of reducing the risk of abuse. One way the exception could be abused is by encouraging lawyers or organizations to take on private disputes pro bono because of the possibility of a lucrative recovery of attorney fees at the end of litigation in, for example, contingent personal-injury cases or cases in which fees may be available under a contractual fee-shifting provision.

In sum, there is at least an apparent policy basis for the distinction drawn by the ABA between statutory and contractual fee-shifting provisions.

II. RCW 4.84.330 does not erase the distinction between statutory fee-shifting provisions and contractual fee-shifting provisions

The PBPSC believes that RCW 4.84.330 has bearing on this issue, contending that under RCW 4.84.330, contractual fee-shifting and statutory fee-shifting “operate[] similarly,” in Washington State and that “Washington statutory law treats contractual and statutory fee shifting provisions the same” Draft PBPSC Comment at 3-4.

The statute provides as follows:

In any action on a contract or lease entered into after September 21, 1977, where such contract or lease specifically provides that attorneys' fees and costs, which are incurred to enforce the provisions of such contract or lease, shall be awarded to one of the parties, the prevailing party, whether he or she is the party specified in the contract or lease or not, shall be entitled to reasonable attorneys' fees in addition to costs and necessary disbursements.

Attorneys' fees provided for by this section shall not be subject to waiver by the parties to any contract or lease which is entered into after September 21, 1977. Any provision in any such contract or lease which provides for a waiver of attorneys' fees is void.

As used in this section "prevailing party" means the party in whose favor final judgment is rendered.

RCW 4.84.330. My reading and interpretation of RCW 4.84.330 differs from that of the PBPSC; I do not believe the statute is relevant to the issue. What the statute does is to require that contracts providing for an award of attorneys' fees and costs to a prevailing party "work both ways," i.e., "if a contract provides for an award of attorneys' fees to only one of the parties to the agreement, the agreement will be deemed, by law, to provide attorney fees to whichever party prevails." Douglas J. Ende, *Washington Handbook on Civil Procedure* § 71.9, at 675 (2021-2022 ed.). In my view, this does not transform contract-based attorneys' fees into statutory attorneys' fees, nor does it convert private contract disputes into legislatively authorized statutory fee-shifting cases with the goal of incentivizing public-interest litigation, which is the basis for treating statutory fee-shifting cases differently in Model Rule 1.8(e).

For this reason, I believe the PBPSC's assertions regarding RCW 4.84.330 are unconvincing.

Post March 8th Cutoff Bill Status Report

Admin Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1066	Technical corrections	Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.	S Rules 2	Goodman
SHB 1105	Public comment notice	Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted.	S State Govt & El	Kloba
EHB 1210	School board recordings	Concerning the recording of school board meetings.	S 2nd Reading	Rude
HB 1221 (SB 5432)	Lottery players/PRA	Concerning the privacy of lottery players.	S Rules 2	Stearns
HB 1301	License review and reporting	Creating license review and reporting requirements.	S Rules 2	McClintock
ESHB 1533 (SB 5746)	PRA/employee information	Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking.	S State Govt & El	Mena
HB 1599	Firearm background checks	Concerning court files and records exemptions for firearm background checks.	S LAWDPA	Goodman
SSB 5081	Victim notification	Concerning victim notification.	H Rules R	Nobles
SB 5153	Future voters/records	Concerning uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries.	H Exec Action	Valdez
SB 5192 (HB 1081)	Derelict vessel appeals	Authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals.	H Passed 3rd	Shewmake
SB 5421	Benefit enrollment info.	Exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act.	H Passed 3rd	Conway
SB 5459	Election info. requests	Concerning requests for records containing election information.	H State Govt & Tr	Hunt

Animal Law

No bills.

Antitrust, Consumer Protection, Unfair Business Practices

No bills.

Business Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
--------	---------------	-------------------	--------	---------

SSB 5077	Uniform commercial code	Concerning the uniform commercial code.	H CRJDPA	Pedersen
--------------------------	-------------------------	---	----------	----------

Cannabis Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1006	Drug testing equipment	Expanding access to drug testing equipment.	S Law & Justice	Orwall
HB 1563 (SB 5608)	Medical use of cannabis	Concerning arrest protections for the medical use of cannabis.	S Rules 2	Kloba
SB 5069	Interstate cannabis agrmts.	Allowing interstate cannabis agreements.	H Rules R	Rivers
E2SSB 5080	Cannabis social equity	Expanding and improving the social equity in cannabis program.	H Approps	Saldana
ESSB 5123	Cannabis/employment	Concerning the employment of individuals who lawfully consume cannabis.	H 2nd Reading	Keiser
2SSB 5263	Psilocybin	Concerning access to psilocybin services by individuals 21 years of age and older.	H HC/Wellness	Salomon
SSB 5448 (SHB 1375)	Delivery of alcohol	Concerning liquor licensee privileges for the delivery of alcohol.	H Rules R	MacEwen

Civil Rights

Bill #	Abbrev. Title	Short Description	Status	Sponsor
E2SSB 5112 (2SHB 1229)	Voter registration	Updating processes related to voter registration.	H Transportation	Hunt

Construction Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
EHB 1337	Accessory dwelling units	Expanding housing options by easing barriers to the construction and use of accessory dwelling units.	S LGLTDPA	Gregerson
HB 1471 (SB 5428)	State procurement procedures	Modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts.	S Rules 2	Stearns
SHB 1621	Local government procurement	Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts.	S LGLTDPA	Ryu
SB 5058	Multiunit res. buildings	Exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building.	H CRJDP	Padden
SB 5088 (HB 1309)	Contractor registration	Adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes.	H LAWSDP	Keiser
ESSB 5111	Sick leave/construction	Concerning payments for accrued and unused sick leave for certain construction workers.	H Rules R	Keiser
ESSB 5528 (HB 1524)	Construction retainage	Concerning retainage requirements for private construction projects.	H Exec Action	Stanford

ESSB 5726	Prevailing wage/public works	Concerning the prevailing wages on public works.	H Labor & Workpla	King
---------------------------	------------------------------	--	-------------------	------

Creditor Debtor Rights

Bill #	Abbrev. Title	Short Description	Status	Sponsor
ESSB 5173 (HB 1400)	Property exempt from exec.	Concerning property exempt from execution.	H Exec Action	Stanford

Criminal Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1002	Hazing penalty	Increasing the penalty for hazing.	S Rules 2	Leavitt
HB 1023	Wire tap reports/courts	Eliminating wire tap authorization reporting to the administrative office of the courts.	S Rules 2	Walen
2SHB 1028	Crime victims & witnesses	Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.	S Ways & Means	Orwall
SHB 1080	Body worn cameras	Concerning body worn cameras.	S LAWDPA	Taylor
HB 1114	Sentencing comm'n members	Concerning the membership of the sentencing guidelines commission.	S 2nd RdConsCal	Mosbrucker
SHB 1177 (SB 5137)	Indigenous women	Creating a missing and murdered indigenous women and people cold case investigations unit.	S Ways & Means	Lekanoff
HB 1179 (SB 5119)	Nonconviction data/auditor	Authorizing the state auditor to receive nonconviction data.	S Pres Signed	Ramos
E2SHB 1189	Total confinement release	Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.	S Ways & Means	Hackney
EHB 1209	Controlled substance equip.	Restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances.	S 2nd RdConsCal	Leavitt
SHB 1234	Civil forfeiture of animals	Concerning the civil forfeiture of animals seized for abuse or neglect.	S Rules 2	Goodman
SHB 1241	Harassment	Addressing harassment.	S Law & Justice	Leavitt
SHB 1268	Sentencing enhancements	Concerning sentencing enhancements.	S Law & Justice	Goodman
HB 1312	Jury service	Concerning jury service.	S 2nd RdConsCal	Rude
EHB 1324 (SB 5475)	Prior juvenile offenses	Concerning the scoring of prior juvenile offenses in sentencing range calculations.	S Law & Justice	Hackney
ESHB 1394 (SB 5543)	Sexual offenses by youth	Creating a developmentally appropriate response to youth who commit sexual offenses.	S Ways & Means	Senn
HB 1530	Law enf. employ. eligibility	Expanding eligibility for employment of certain law enforcement and prosecutor office positions.	S Law & Justice	Cortes
ESHB 1555 (SB 5642)	Indian tribes/extradition	Concerning extradition of persons to and from Indian jurisdiction.	S Law & Justice	Lekanoff
HB 1563 (SB 5608)	Medical use of cannabis	Concerning arrest protections for the medical use of cannabis.	S Rules 2	Kloba
2SHB 1579	Independent prosecutions	Establishing a mechanism for independent prosecutions within the office of the attorney	S Ways & Means	Stonier

		general of criminal conduct arising from police use of force.		
ESHB 1600	Firearms/juvenile records	Providing access to sealed juvenile records for firearm purposes.	S Rules 2	Goodman
2SHB 1618	Childhood sexual abuse/SOL	Concerning the statute of limitations for childhood sexual abuse.	S Ways & Means	Farivar
HB 1696	Stalking-related offenses	Concerning stalking-related offenses.	S 2nd RdConsCal	Davis
E2SHB 1715	Domestic violence	Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.	S Ways & Means	Davis
ESSB 5010	Synthetic opioids/endanger.	Updating the endangerment with a controlled substance statute to include fentanyl or synthetic opioids.	H Community Safet	Wilson
ESB 5022	Drug testing equipment	Exempting fentanyl testing equipment from the definition of drug paraphernalia.	H CSJRDP	Muzzall
SB 5032	DUI lookback & sentencing	Extending the felony driving under the influence lookback to 15 years while providing additional treatment options through the creation of a drug offender sentencing alternative for driving under the influence.	H Community Safet	Padden
SSB 5033	Custodial sexual misconduct	Reclassifying the sentence for the crime of custodial sexual misconduct.	Del to Gov	Padden
2SSB 5046	Postconviction counsel	Concerning postconviction access to counsel.	H Approps	Saldana
SB 5070	Nonfatal strangulation	Concerning victims of nonfatal strangulation.	H Approps	Nobles
SSB 5081	Victim notification	Concerning victim notification.	H Rules R	Nobles
2SSB 5128 (HB 1598)	Jury diversity	Concerning jury diversity.	H Approps	Trudeau
ESSB 5231	Emergency DV orders	Concerning the issuance of emergency domestic violence no-contact orders.	H CRJDPA	Salomon
SB 5252 (SHB 1292)	FBI criminal history records	Making modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information.	H HSELDPA	Valdez
SB 5280 (SHB 1098)	Clergy/child abuse reporting	Concerning the duty of clergy to report child abuse or neglect.	H HSELDPA	Frame
E2SSB 5440	Competency evaluations	Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders.	H Exec Action	Dhingra
SSB 5453	Female genital mutilation	Concerning female genital mutilation.	H Approps	Keiser
ESSB 5576	Sexual assault procedures	Concerning sexual assault procedures.	H Community Safet	Dhingra
SB 5606 (HB 1631)	Illegal racing	Deterring illegal racing.	H CRJDP	Lovick
ESSB 5614	Adult entertainment	Concerning adult entertainment establishments.	H Reg Subst & Gam	Saldana

ESB 5623	Hate crimes	Modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons.	S Pres Signed	Dhingra
--------------------------	-------------	---	---------------	---------

Elder Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
ESSB 5179 (SHB 1281)	Death with dignity act	Increasing access to the provisions of the Washington death with dignity act.	H Passed 3rd	Pedersen
SSB 5318	Estate recovery	Limiting estate recovery.	H Approps	Nobles

ELUL

Bill #	Abbrev. Title	Short Description	Status	Sponsor
SHB 1047	Cosmetic product chemicals	Concerning the use of toxic chemicals in cosmetic products.	S Ways & Means	Mena
SHB 1085	Plastic pollution	Reducing plastic pollution.	S Ways & Means	Mena
E2SHB 1110 (SSB 5190)	Middle housing	Increasing middle housing in areas traditionally dedicated to single-family detached housing.	S Ways & Means	Bateman
E2SHB 1170 (SSB 5093)	Climate response strategy	Improving climate resilience through updates to the state's integrated climate response strategy.	S Ways & Means	Street
ESHB 1173	Light pollution	Reducing light pollution associated with certain energy infrastructure.	S ENETDPA	Connors
SHB 1213	Wipe labeling	Concerning compliance with labeling requirements for wipes.	S Rules 2	Ybarra
E2SHB 1216 (SSB 5380)	Clean energy siting	Concerning clean energy siting.	S Ways & Means	Fitzgibbon
ESHB 1245 (SSB 5364)	Lot splitting	Increasing housing options through lot splitting.	S Loc Gov, Land	Barkis
ESHB 1251 (SB 5215)	Water system notices	Concerning water systems' notice to customers of public health considerations.	S Rules 2	Stonier
ESHB 1282 (SSB 5322)	Public building materials	Requiring environmental and labor reporting for public building construction and renovation material.	S Ways & Means	Duerr
ESHB 1293	Development regulations	Streamlining development regulations.	S Rules 2	Klicker
2SHB 1322 (SB 5384)	Walla Walla water 2050 plan	Concerning the Walla Walla water 2050 plan.	S Rules 2	Rude
HB 1334 (SB 5292)	PTBA aquatic lands access	Addressing the access of certain aquatic lands by a public transportation benefit area.	S Rules 2	Hutchins
SHB 1378 (SSB 5433)	Derelict aquatic structures	Concerning the removal of derelict aquatic structures and restoration of aquatic lands.	S Ag/Water/Natura	Reeves
2SHB 1390	District energy systems	Concerning district energy systems.	S ENETDPA	Ramel
2SHB 1391	Energy in buildings	Concerning energy in buildings.	S Environment, E	Ramel
2SHB 1425	Municipal annexations	Facilitating municipal annexations.	S Ways & Means	Berg
SHB 1460	DNR land	Concerning the department of natural resources land transactions, revenue	S Ways & Means	Hackney

		distributions, and creation and management of a trust land transfer program.		
HB 1544 (SB 5159)	Shoreline program review	Concerning shoreline master program review schedules.	S 2nd RdConsCal	Alvarado
2SHB 1578 (SB 5611)	Wildland fire safety	Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.	S Ways & Means	Springer
ESHB 1589 (SSB 5562)	Clean energy	Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.	S Environment, En	Doglio
HB 1792	Water rights procedures	Modifying timelines and other initial procedural actions in a water rights adjudication.	S Rules 2	Timmons
ESSB 5143	Pesticide registration comm.	Changing the name of and adding a member to the commission on pesticide registration.	H Passed 3rd	Torres
E2SSB 5144	Batteries/environment	Providing for responsible environmental management of batteries.	H Approps	Stanford
SSB 5145	Liability/hydro. projects	Clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission.	H Rules R	Short
2SSB 5290 (HB 1296)	Local permit review	Concerning consolidating local permit review processes.	H Approps	Mullet
SB 5292 (HB 1334)	PTBA aquatic lands access	Addressing the access of certain aquatic lands by a public transportation benefit area.	H Transportation	Randall
SSB 5306	WDFW disease interdiction	Authorizing the department of fish and wildlife to establish disease interdiction and control check stations.	H Ag&Nr	Short
SB 5330	Pesticide application	Concerning the Washington pesticide application act.	H Rules R	Torres
SSB 5353	Voluntary stewardship prog.	Concerning the voluntary stewardship program.	H Approps	Wagoner
SB 5369 (HB 1314)	Polychlorinated biphenyls	Reassessing standards for polychlorinated biphenyls in consumer products.	H Approps	Billig
SSB 5374	County critical areas	Concerning the adoption of county critical area ordinances by cities.	H Rules R	Short
SB 5390	Forestlands/safe harbor	Establishing a programmatic safe harbor agreement on forestlands.	H Approps	Shewmake
2SSB 5412	Land use permitting/local	Reducing local governments' land use permitting workloads.	H Rules R	Salomon
SSB 5433 (SHB 1378)	Derelict aquatic structures	Concerning the removal of derelict aquatic structures and restoration of aquatic lands.	H Cap Budget	Muzzall
SB 5457	Small cities/GMA	Implementing growth management task force legislative recommendations regarding small cities.	H Rules R	Short

ESSB 5466 (HB 1517)	Transit-oriented development	Promoting transit-oriented development.	H Exec Action	Liias
--	------------------------------	---	---------------	-------

Family Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
SHB 1088	Uniform family law arbitrat.	Concerning the uniform family law arbitration act.	S 2nd RdConsCal	Walen
SHB 1121	Uniform child abduction act	Concerning the uniform child abduction prevention act.	S Law & Justice	Goodman

Health Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
2SHB 1039 (SB 5288)	Intramuscular needling	Concerning physical therapists performing intramuscular needling.	S Rules 2	Macri
SHB 1068 (SB 5212)	Injured worker medical exams	Concerning injured workers' rights during compelled medical examinations.	S Rules 2	Bronoske
SHB 1069	Mental health counselor comp	Adopting the mental health counselor compact.	S 2nd Reading	Leavitt
ESHB 1073	Medical assistants	Concerning medical assistants.	S Rules 2	Harris
SHB 1079	Whole genome sequencing	Concerning rapid whole genome sequencing.	S Rules 2	Thai
HB 1082 (SB 5044)	PT & OT service corporations	Expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations.	S 2nd RdConsCal	Simmons
E2SHB 1134	988 system	Implementing the 988 behavioral health crisis response and suicide prevention system.	S HLTCDDPA	Orwall
2SHB 1151 (SB 5204)	Fertility services coverage	Mandating coverage for fertility services.	S Health & Long T	Stonier
ESHB 1155 (SB 5351)	Consumer health data	Addressing the collection, sharing, and selling of consumer health data.	S 2nd Reading	Slatter
HB 1197 (SB 5310)	Workers' comp. providers	Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims.	S Rules 2	Bronoske
ESHB 1222	Hearing instruments coverage	Requiring coverage for hearing instruments.	S 2nd Reading	Orwall
HB 1230	School websites/drug info.	Requiring school districts and other public education entities to make information from the department of health available.	S Rules 2	Callan
SHB 1255	Health care prof. SUD prg.	Reducing stigma and incentivizing health care professionals to participate in a substance use disorder monitoring and treatment program.	S HLTCDDP	Simmons
SHB 1275 (SSB 5308)	Athletic trainers	Concerning athletic trainers.	S Rules 2	Thai
HB 1287	Dental hygienists	Concerning dental hygienists.	S 2nd RdConsCal	Thai
ESHB 1340 (SB 5400)	Health professions/conduct	Concerning actions by health professions disciplining authorities against license applicants and license holders.	S Rules 2	Riccelli

E2SHB 1357	Prior authorization/health	Modernizing the prior authorization process.	S Ways & Means	Simmons
2SHB 1452	Medical reserve corps	Establishing a state medical reserve corps.	S Ways & Means	Timmons
ESHB 1503	Health care licenses/info.	Collecting health care professionals' information at the time of license application and license renewal.	S 2nd Reading	Riccelli
ESHB 1508 (SB 5519)	Health care cost board	Improving consumer affordability through the health care cost transparency board.	S Health & Long T	Macri
E2SHB 1515	Behavioral health contracts	Concerning contracting and procurement requirements for behavioral health services in medical assistance programs.	S Ways & Means	Macri
ESHB 1547	Out-of-state health prov.	Increasing the health care workforce by authorizing out-of-state providers to practice immediately.	S Rules 2	Caldier
HB 1563 (SB 5608)	Medical use of cannabis	Concerning arrest protections for the medical use of cannabis.	S Rules 2	Kloba
ESHB 1568	Long-term care professionals	Concerning the credentialing of certified health care professionals providing long-term care services.	S Health & Long T	Chambers
HB 1626	Colorectal screening tests	Concerning coverage for colorectal screening tests under medical assistance programs.	S Ways & Means	Bronoske
ESHB 1678	Dental therapists	Establishing and authorizing the profession of dental therapy.	S Rules 2	Riccelli
2SHB 1745	Diversity in clinical trials	Improving diversity in clinical trials.	S Ways & Means	Thai
SB 5036 (HB 1027)	Audio-only telemedicine	Concerning telemedicine.	Del to Gov	Muzzall
ESSB 5050	Breast implant surgery	Concerning informed consent for breast implant surgery.	H HC/Wellness	Wellman
SSB 5101	DOC medical placements	Concerning extraordinary medical placement for incarcerated individuals at the department of corrections.	H Rules R	Saldana
2SSB 5103	Medicaid patients/discharge	Concerning payment to acute care hospitals for difficult to discharge medicaid patients.	H Exec Action	Muzzall
SB 5113 (HB 1327)	Dental school faculty	Concerning faculty in dental schools.	H Rules R	Warnick
2SSB 5120	Crisis relief centers	Establishing crisis relief centers in Washington state.	H Approps	Dhingra
SSB 5121 (HB 1119)	Health care oversight cmte.	Establishing the joint select committee on health care and behavioral health oversight.	Del to Gov	Cleveland
ESB 5130	Assisted outpatient treat.	Concerning assisted outpatient treatment.	H Exec Action	Frame
ESSB 5142 (SHB 1408)	HIV medication rebate rev.	Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program.	Del to Gov	Lias
SSB 5189 (HB 1348)	Behavioral health support	Establishing behavioral health support specialists.	H Approps	Trudeau
ESSB 5217	Musculoskeletal injuries/L&I	Concerning the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders.	H Approps	Dhingra

SB 5228	Behavioral health OT	Providing occupational therapy services for persons with behavioral health disorders.	H Approps	Dhingra
E2SSB 5236	Hospital staffing standards	Concerning hospital staffing standards.	H Approps	Robinson
SB 5242 (HB 1115)	Abortion cost sharing	Prohibiting cost sharing for abortion.	H Approps	Cleveland
2SSB 5263	Psilocybin	Concerning access to psilocybin services by individuals 21 years of age and older.	H HC/Wellness	Salomon
E2SSB 5278	Home care aide certification	Implementing audit recommendations to reduce barriers to home care aide certification.	H Approps	Wilson
SSB 5300	Behavioral health continuity	Concerning continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions.	H Exec Action	Dhingra
SSB 5388	Diversity in clinical trials	Concerning improving diversity in clinical trials.	H HC/Wellness	Rivers
SSB 5389	Optometry	Concerning the practice of optometry.	H HC/Wellness	Cleveland
SB 5394	Medical graduate supervisors	Concerning malpractice insurance for international medical graduate supervisors.	Del to Gov	Randall
SSB 5396	Breast exam cost sharing	Concerning cost sharing for diagnostic and supplemental breast examinations.	H Approps	Wilson
2SSB 5502	Sub. use disorder treatment	Ensuring access to substance use disorder treatment.	H Approps	Gildon
2SSB 5532 (HB 1748)	Small rural hospital payment	Providing enhanced payment to low volume, small rural hospitals.	H Approps	King
E2SSB 5536	Controlled substances	Concerning controlled substances, counterfeit substances, and legend drug possession and treatment.	H Exec Action	Robinson
SSB 5547	Nursing pool transparency	Concerning nursing pool transparency.	H Rules R	Robinson
E2SSB 5580	Maternal health outcomes	Improving maternal health outcomes.	H Exec Action	Muzzall
SSB 5581	Maternal support services	Developing strategies to reduce or eliminate deductibles for maternal support services and postpartum care.	H Rules R	Muzzall
E2SSB 5582	Nurse supply	Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington.	H Approps	Holy
SB 5629	Hepatitis B and C	Concerning hepatitis B and hepatitis C screening and health care services.	H HC/Wellness	Conway

Indian Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1290 (SB 5086)	Tribal police training	Concerning training for tribal police officers and employees.	S 2nd RdConsCal	Lekanoff
2SHB 1332	Tribes/K-12 instruction	Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.	S Ways & Means	Lekanoff
SHB 1352	County invest. pools/tribes	Authorizing tribal investment in county investment pools.	S 2nd RdConsCal	Stearns

ESHB 1555 (SB 5642)	Indian tribes/extradition	Concerning extradition of persons to and from Indian jurisdiction.	S Law & Justice	Lekanoff
HB 1684	Tribes/job title reporting	Clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act.	S Rules 2	Slatter
SSB 5648	Board of education waivers	Including state-tribal education compact schools and charter schools as entities able to receive waivers from the state board of education.	H Education	Wellman
SB 5683	Foster care/Indian children	Concerning child-specific foster care licenses for placement of Indian children.	H HSELDP	Kauffman

Intellectual Property Law

No bills.

IP Law

No bills.

Juvenile Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor
SHB 1121	Uniform child abduction act	Concerning the uniform child abduction prevention act.	S Law & Justice	Goodman
HB 1146	Dual credit program notice	Notifying high school students and their families about available dual credit programs and any available financial assistance.	S Rules 2	Paul
E2SHB 1188	Child welfare services/DD	Concerning individuals with developmental disabilities that have also received child welfare services.	S Ways & Means	Senn
2SHB 1204 (SB 5426)	Family connections program	Implementing the family connections program.	S Ways & Means	Callan
HB 1455 (SB 5695)	Child marriage	Eliminating child marriage.	S Law & Justice	Stonier
E2SHB 1479 (SB 5559)	Student restraint, isolation	Concerning restraint or isolation of students in public schools and educational programs.	S EL/K-12	Callan
2SHB 1580	Children in crisis	Creating a system to support children in crisis.	S Ways & Means	Callan
HB 1679 (SB 5719)	Student homelessness group	Modifying and extending requirements of a work group convened to address the needs of students in foster care, experiencing homelessness, or both.	S Rules 2	Rule
HB 1730	Youth employment/21+ estab.	Allowing people 18 years of age or older to work in certain 21 year and older establishments.	S Rules 2	Waters
ESHB 1744	Charter school oversight	Clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students.	S Ways & Means	Rude
ESSB 5124 (2SHB 1278)	Nonrelative kin placement	Supporting guardianships and voluntary placement with nonrelative kin.	H Approps	Trudeau

<u>SSB 5256</u> (2SHB 1186)	Child welfare housing	Making permanent and expanding the child welfare housing assistance program.	H Approps	Saldana
<u>ESB 5355</u>	Sex trafficking prev. ed.	Mandating instruction on sex trafficking prevention and identification for students in grades seven through 12.	H Exec Action	Wilson
<u>ESSB 5515</u>	Child abuse and neglect	Protecting children from child abuse and neglect.	H HSELDPA	Dhingra
<u>SB 5683</u>	Foster care/Indian children	Concerning child-specific foster care licenses for placement of Indian children.	H HSELDP	Kauffman

Labor and Employment

No bills.

Legal Assistance to Military Personnel (LAMP)

Bill #	Abbrev. Title	Short Description	Status	Sponsor
<u>SHB 1288</u> (SB 5323)	Dept. of veterans affairs	Concerning the department of veterans affairs.	S State Govt & El	Reeves
<u>SB 5323</u> (SHB 1288)	Dept. of veterans affairs	Concerning the department of veterans affairs.	H 2nd Reading	MacEwen
<u>SSB 5358</u>	Veterans' services	Expanding veterans' services and programs.	H Approps	Gildon

Litigation

No bills.

Low Bono

Bill #	Abbrev. Title	Short Description	Status	Sponsor
<u>EHB 1636</u>	Foreclosure/common interest	Concerning foreclosure protections for homeowners in common interest communities.	S LAWDPA	Orwall
<u>ESHB 1652</u>	Child support pass through	Concerning child support pass through.	S Ways & Means	Taylor
<u>HB 1656</u> (SB 5240)	Unemployment ins. appeals	Concerning unemployment insurance benefits appeal procedures.	S 2nd RdConsCal	Schmidt
<u>SB 5240</u> (HB 1656)	Unemployment ins. appeals	Concerning unemployment insurance benefits appeal procedures.	H Labor & Workpla	Braun
<u>2SSB 5438</u>	Supportive relationships	Facilitating supportive relationships with family and significant individuals within the behavioral health system.	H Exec Action	Warnick

Real Property, Probate and Trust (PT)

Bill #	Abbrev. Title	Short Description	Status	Sponsor
<u>SSB 5318</u>	Estate recovery	Limiting estate recovery.	H Approps	Nobles
<u>SSB 5589</u>	Probate	Concerning probate.	H CRJDP	Stanford

Real Property, Probate and Trust (RP)

Bill #	Abbrev. Title	Short Description	Status	Sponsor
ESSB 5173 (HB 1400)	Property exempt from exec.	Concerning property exempt from execution.	H Exec Action	Stanford
SSB 5318	Estate recovery	Limiting estate recovery.	H Approps	Nobles

Taxation Law

No bills.

WSBA Interest

No bills.

Uncategorized Bills

No bills.