

DATE: January 11, 2012

TO: Washington State Board of Health Members

FROM: Michelle Davis, Executive Director

SUBJECT: PREVIEW OF 2012 LEGISLATIVE SESSION

Background and Summary:

The purpose of this agenda item is to update the State Board of Health about what it might expect during the 2012 legislative session, a 60-day session that began January 9. This item should help provide context for agenda item 10 —proposed adoption of a Board Statement on Possible 2012 Legislative Issues.

The most significant development since the Board met in October was the 17-day special session. During the special session, the Legislature adopted an early action budget, reducing the \$2 billion budget gap by almost \$480 million. Budgetary issues will dominate the 2012 legislative session, as the Legislature works to close the budget gap. These efforts will also drive a number of bills that are considered “necessary to implement the budget.”

Legislative sessions that fall on even-numbered years are “short” 60-day legislative sessions. They typically focus on addressing supplemental budget issues for the second half of the biennium. All bills that died during the preceding year are reintroduced, in addition to new legislation. Last year, Board staff actively tracked approximately 50 bills.

During the 2011 legislative session, the Legislature considered a number of bills that reorganized government and consolidated agencies. The Legislature may continue to work to reform state government. The discussion section of this memo provides some additional themes and possible proposals we may see during the 2012 legislative session.

Recommended Board Action:

None.

Discussion:

Government Reorganization: During the 2011 legislative session, the Governor submitted several proposals to reorganize government in an effort to make government more efficient. A bill that did not pass would have consolidated or co-located several natural resource agencies. Several legislators developed similar proposals, but the Legislature did not proceed with major natural

resource agency consolidation last session. The 2011 bills will be reintroduced, and we may see additional proposals on government reform and efficiency.

Regulatory Reform: It has been several years since the Legislature passed major regulatory reform legislation. In recent years, business has sought regulatory relief through improved efficiency in agency permitting and licensing processes. I believe we can anticipate legislation that will focus on reducing agency permit processing times, and on increasing e-permitting and coordinated permitting processes (similar to master license services).

Job Creation: In this tough economy, the Governor and the Legislature will seek opportunities to reduce the unemployment rate and get Washington back to work. Potential strategies could include an increased focus on infrastructure projects, bonding, and capital projects. In recent years, the state has received federal funding under the American Recovery and Reinvestment Act for infrastructure projects (e.g. clean water, drinking water systems, road projects, etc.). The number of applicant projects far exceeded the amount of funding available. The Legislature may seek changes through bonds, or through revolving fund processes, to fund similar activities to create jobs and stimulate the economy.

Health Reform: The Governor signed a number of significant health reform bills in 2011, enabling the state to move forward in implementing federal health care reform. These bills:

- created Washington's Insurance exchange (federal law requires the exchange to be running by January 1, 2014);
- extended insurance coverage to dependents under the age of 26;
- removed lifetime benefit maximums and prevented insurance companies from denying coverage to people under 19 because of pre-existing conditions; and
- provided an insurance open enrollment period for those under 19 years of age.

We may see additional bills regarding health reform during the 2012 legislative session

Education Reform: The Governor plans to release a new education reform package during the 2012 legislative session. These bills would change teacher and principal evaluations, create an Office of Student Achievement, make changes to the Learning Assistance Programs, and create university-based laboratory programs to assist struggling schools.

2011 Legislation: Many of the policy issues the Board has considered during recent legislative sessions will come up again. Examples of the bills that the Board tracked in 2011 that have been reintroduced include:

- Smoking in cars when children are present (SB 5016).
- Regulating Tobacco Products (HB 1246/ SB 5380). These bills banned flavored tobacco products, restricted youth access to tobacco, removed state preemption of local laws, and increased Liquor Control Board enforcement authority.
- Providing flexibility for schools, including relaxing standards for physical education and exercise (HB 1025).
- Children's Safe Products (HB 1319/ SB 5231).

- Regulation of drainfield remediation technologies, including possibly making changes to the Board's authority (SB 5699/ HB 1995).

Pre-filed Bills: Several bills were pre-filed in anticipation of the 2012 legislative session, and may be of interest to the Board:

- HB 2211 Changes adoptees right to birth certificates, allowing access to a non-certified copy of the original birth certificate. Birth parents may file affidavits of non-disclosure, which are valid for two years, but may be renewed.
- SB 6022 Postpones effective date of Initiative 1163, Long term care services, until July 1, 2014.
- SB 6036 Prohibits the use of money from the state and local toxics control account for the purpose of public participation grants to persons and organizations who may be adversely affected by a release or threatened release of a hazardous substance. This funding is particularly important to help remedy environmental injustice.
- SB 6048 Permits nursing homes to recycle unused prescription medicines, donated by prescription drug companies, and health practitioners.
- SB 6049 Requires Department of Health to establish a cancer drug repository program.