

Examples of Bills That Were Not Enacted And Are Included In The Operating Budget*

K-12 Public Schools

HB 1660 (Extracurricular activities). The bill requires that school districts with high schools collect and publish data related to student possession of associated student body (ASB) cards and student participation in athletic programs. It defines certain goals for high schools related to the opportunity gaps in student possession of ASB cards and student participation in athletic programs and requires school districts that do not meet these goals to develop, submit, and implement a plan to reduce opportunity gaps. The bill creates a grant program to subsidize school districts impacted by discounted ASB card fees charged to students who are low income and requires school boards to discount extracurricular activity participation fees for students who are low income. In the operating budget:

- Section 501(4)(n) provides funding for staff at OSPI to publish a list of schools that are not complying with certain reporting requirements and requires OSPI to collaborate with ASB boards regarding district policies to reduce the extracurricular opportunity gap. The proviso requires districts to collect and report to the ASB executive board on school year data related to ASB cards and student participation in athletic programs.
- Section 522(15) provides funding for OSPI to administer a grant program to reduce ASB fees for students that qualify for the FRPL program.

HB 1272 (School lunch duration). The bill requires OSPI to designate six public elementary schools as demonstration sites to ensure that students have a lunch period that includes a seated lunch duration of at least 20 minutes. It directs these sites to share recommendations and best practices and requires OSPI to report findings and recommendations regarding these sites by July 1, 2021. The bill requires WSSDA to adopt a model policy and procedure regarding seated lunch duration, allows school districts to adopt the model, and allows OSPI to provide grants to support the demonstration sites and enforce seated lunch duration policies and procedures. In the operating budget, section 501(4)(m) provides funding for OSPI to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. OSPI will select six districts to serve as school demonstration sites.

SB 5594 (Media literacy). The bill requires the Office of the Superintendent of Public Instruction (OSPI) to establish a grant program for supporting media literacy and digital citizenship and requires OSPI to convene two regional conferences on the subject of media literacy and digital citizenship. In the operating budget, section 522(24) provides funding for OSPI to establish a media literacy grant program.

SB 5395 (Sexual health education). The bill requires every public school to provide comprehensive sexual health education by September 1, 2021 and requires public schools to either select a comprehensive sexual health curriculum from a list developed by OSPI or to select or develop a curriculum in accordance with online review tools developed by OSPI. Section. 501(3)(h) in the operating budget requires OSPI to convene a workgroup to review provisions related to sexual health education, review existing sexual health education curricula, consider revisions to sexual health

education provisions in statute, and consider the merits and challenges associated with requiring all public schools to offer comprehensive sexual health education to students in all grades. The work group must consult with stakeholders and submit findings and recommendations to SBE, DOH, and the education committees in the Legislature. OSPI and WSSDA must collaborate with DOH to conduct a data survey of the availability of sexual health education in public schools, and submit the survey to the Legislature and the Governor.

Health and Human Services

SB 5830 (Personal care services for the homeless). The operating budget proviso about personal care services for the homeless in Sec. 204(29) is essentially the same as SB 5839. The proviso funds a pilot project where a nonprofit organization will provide personal care services at a homeless shelter for people who are not yet eligible for Medicaid services. There is a report due on 12/1/2020. SB 5839 is basically the same, but it provides further detail in an intent section and on the specific topics to be addressed in the report.

SB 5523 (Managed care withhold performance measures). Currently, 1.5% of the Medicaid Managed Care premium is withheld. Managed Care Organizations (MCOs) that meet performance measure targets earn this amount back. This bill required the Health Care Authority to move to a different set of performance measures and increased the withhold to 3%. Section 211(50) in the operating budget directs HCA to replace the current 1.5% withhold with a 2% withhold. The performance measures and reporting standards are also changed consistent with those that were in SB 5523.

2SSB 5822 (Universal health care workgroup). This bill directed HCA to organize a workgroup on establishing a universal health care system in Washington. Section 211(57) of the operating budget includes \$500,000 in one-time funding for contract and actuarial support and directs the HCA to convene this workgroup.

SB 5828 (Medicaid Home Health rates). This bill originally required HCA to increase Home Health rates to a Medicare equivalent and convene a workgroup to establish a reimbursement methodology. Section 211(33) in the operating budget does not make any changes to rates but directs HCA to establish the workgroup.

SB 5602 (Reproductive Parity Act). This bill passed both chambers. Originally it created a new family planning program for individuals who would be eligible for Medicaid except for their immigration status amongst other things. This provision was removed from the final bill but funded in the operating budget in section 211(47).

HB 1648: (Providing for suicide awareness and prevention programs for service members, veterans, and their families). In the operating budget, sections 220(3)(e), 221(8), and 29 provide funding and:

- Extend the expiration of the Suicide Safer Task Force from July 1, 2020 to July 1, 2021.
- Direct the DVA to develop a statewide plan to reduce suicides among service members, veterans, and their families.
- Require the Pharmacy Quality Assurance Commission to provide information electronically to pharmacists regarding suicide awareness and prevention and to conduct a survey among

pharmacists regarding the gap between training and practice in relation to suicide awareness and prevention.

SB 5489 (Establishing a healthy environment for all). The bill creates a task force, requires certain state agencies to adopt a cumulative impact analysis tool to identify highly impacted communities, and requires the Department of Health to develop model policies for implementing any task force guidance. Section 221(48) of the operating budget establishes a task force to recommend strategies for incorporating environmental justice principles into the way that state agencies discharge their responsibilities.

Higher Education

ESSB 5389 (Telehealth training and treatment program to assist youth). The bill directs UW and others to design a training curriculum and training delivery system to train middle, junior high, and high school staff to identify students who are at risk for substance abuse, violence, or youth suicide. In section 606 of the operating budget funding is provided for UW in consultation with the OSPI to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on the east side of Cascades and one school district on the west side of Cascades.

2SHB 1039 (Opioid overdose medication). The bill requires certain public higher education institutions to develop a plan to maintain and administer opioid overdose medication in residence halls. Sections 606, 607, 608, 609, and 611 in the operating budget provide funding to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

Natural Resources

HB 1731 (Food policy forum). The bill establishes a food policy forum to promote a variety of goals related to Washington's food system. Section 306(3) in the operating budget and section 309(9) provide funding for the SCC and WSDA to convene and facilitate a forum to work on food policy issues and implement previous food policy forum recommendations.

2SSB 5947 (Sustainable farms and fields). The bill requires WSDA to develop a sustainable farms and fields grant program for activities related to on-farm fossil fuel efficiency, agroforestry, and carbon farming. Sections 306(5) and 309(14) in the operating budget provide funding to the SCC and WSDA to review existing conservation grant programs to identify resources needed by those programs, and to develop recommendations on a sustainable farms and fields grant program that prioritizes reduction of greenhouse gases on farms.

2SHB 2047 (Carbon sequestration). The bill requires DNR to conduct a carbon inventory, serve as a liaison to landowners on carbon sequestration issues, and create a carbon sequestration advisory group.

Section 308(24) in the operating budget provides funding for DNR to conduct carbon inventories, compile information on carbon compensation programs, form a carbon sequestration advisory group, and report to the legislature.

General Government

House Bills 2117 and 2157 (Reauthorize and expand the Tax Structure Work Group created in the 2017-19 Operating Budget). The language and funding regarding this workgroup are in Sec 137 (2)(c) in the operating budget for the Department of Revenue.

HB 1783 (Creating the Washington State Office of Equity). The bill creates the office and establishes a task force to develop an initial operations plan for the office. Section 221(7) in the operating budget provides funding for the Governor's Interagency Coordinating Council on Health Disparities to establish a task force to develop a proposal for creation of an office of equity. Under the proviso, the purpose of the office of equity would be to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes across all sectors of government.

SB 5906 (Ambulatory Surgical Facilities). The bill includes various requirements for ambulatory surgical facilities, various provisions concerning licensing fees, and requires that JLARC must conduct at least one performance audit of the regulatory program. Section 103 (5) in the operating budget provides funding for JLARC to conduct a performance audit of DOH's ambulatory surgical facility regulatory program with a report to the legislature by January 1, 2021.

SHB 1006 (Underground Utility Damage Workgroup). The bill required the UTC to convene a work group to develop recommendations regarding underground utility excavation regulations and appropriated \$50K to Commerce to facilitate the work group. Section 144 (6) in the operating budget provides funding for the UTC to convene a work group to develop recommendations regarding underground utility excavation regulations and report to the legislature by December 1, 2019. The UTC must contract with an independent facilitator.

SSB 5388 (Campaign treasurer training). The bill requires campaign treasurers and deputy treasurers to attend training provided by the PDC on campaign finance law (with some exceptions). Treasurers must be certified as having attended training within the last 5 years in order to be compliant with campaign finance law. Section 120 (2) in the operating budget provides funding for the PDC to develop a training course for individuals acting as treasurers or deputy treasurers and make the course available by September 1, 2019.

SB 5662 (cloud computing). The bill requires state agencies to evaluate certain criteria prior to adopting a cloud computing solution and requires the Office of the Chief Information Officer to conduct a statewide cloud computing readiness assessment. Section 152(9) in the operating budget provides funding for CTS to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs.

Other Examples

HB 1948 (Streamline sales tax mitigation). The bill extends the current mitigation program. Section 722 in the operating budget appropriates funding for streamline sales tax mitigation for the 2019-21 biennium.

ESHB 1880 (Joint legislative task force on problem gambling). The bill creates and specifies duties of a joint legislative task force on problem gambling. Section 729 in the operating budget provides funding for a facilitator for a problem gambling task force and creates the task force.

HB 1495 (Establishing the joint legislative task force on criminal sentencing). The bill establishes a joint task force on criminal sentencing to review sentencing laws and make recommendations to the legislature. Section 952 in the operating budget establishes the Washington State Criminal Sentencing Task Force to review state sentencing laws, develop recommendations, and report to the Legislature.

*The bill status is as of the end of the day on April 27, 2019. Note that in addition to providing general appropriation authority to state agencies, the operating budget often specifies or restricts the use of funding in the budget (such as creating task forces or workgroups). While the legislature generally has wide latitude regarding the subject matter contained in the budget as long as it is reasonably germane to appropriations in the budget, the constitutional provision related to the one subject/title rule (Article II, section 19) is interpreted to mean that the legislature is not allowed to make substantive law in a budget bill. Among other things, this generally means the budget bill cannot change rights or liabilities or cannot make appropriations or take related actions that outlast the two-year period covered by the budget.