

2019 Legislative Report

Overview

The 2019 legislative session convened on January 14 and concluded on April 28, 2019. 2,762 bills were introduced during this 105 day “long session¹.” Of these, 484 were passed by both the House and the Senate and transmitted to the governor for signing into law.

Some of the bills that passed will have significant impacts to the people of our state. A new employee-paid long term care program was established-- the first in the country. A clean energy bill will eliminate the use of fossil fuels to power the state’s electricity grid by 2045. The legal age to purchase tobacco products was raised from 18 to 21. The states’ behavioral health system was reformed to make better care available across the state. And a sweeping bill to finance higher education will provide financial aid to lower income students in greater numbers than ever before.

DFI’s 2019 Legislative Priorities

[SSB 5107 An Act Relating to Trust Institutions.](#) (C 389 L 19.)

This was legislation DFI requested for the 2019 session. It modernizes our state’s laws regulating trust institutions in important ways.

Third party service providers are increasingly used by all businesses, including financial institutions. These service providers are separate businesses that work with financial institutions to provide specialized support in areas such as data processing and storage, accounting, and securities and commodities trading. These arrangements allow financial institutions to draw on the expertise of specialists and to keep their primary focus on core business activities and strategies. SB 5107 gives DFI the authority we didn’t previously have to intervene if we detect a problem with the safety and soundness of the services being provided – an important consumer protection.

SB 5107 also gives DFI the authority to issue a supervisory order when correction is needed but the regulatory issue does not present a serious risk that calls for formal legal

¹ In odd numbered years, the Washington State Legislature meets for a session lasting 105 days. In even years, the legislative session lasts 60 days.

action. This alternative obviates the stigma attached to adjudicative action that may not be appropriate for minor issues and allows DFI to take a more nuanced approach to regulating trust businesses.

SB 5107 modernizes what it means to “do business” in Washington from a regulatory standpoint– a necessary clarification for e-commerce. The bill also identifies the essential elements unique to trust business, distinguishing them from more incidental services that other types of companies may provide. This will allow DFI to better address confusion over appropriate categories of licensure.

In the past, the process for closing trusts, either voluntarily or through regulatory liquidation, was not entirely clear. Trusts had once been regulated under banking statutes and those laws still extended to trusts. Since banks are liquidated by the FDIC and since the FDIC does not insure trust institutions, a specific process applicable to trusts was needed. Our bill sets forth a trust-specific process for liquidations.

[ESHB 1109 An Act Relating to Fiscal Matters](#) (The Budget).

The operations of government must be funded every biennium by the Legislature.

For this biennium, DFI requested staffing increases 2.0 FTEs for public records management and 3.0 FTEs for examiners in Consumer Services. This resourcing was included in the governor’s proposed budget and ultimately funded in ESHB 1109.

We were also successful in getting full funding in the supplemental budget to implement a 2018 bill, the Student Loan Bill of Rights (E2SSB 6029), which created a regulatory framework for student loan servicers. This bill was only partly funded by the 2018 Legislature, resulting in a staffing shortfall of two FTEs. This turned out to be an unintentional omission last year.

The budget also contains a proviso² that directs the Office for Regulatory Innovation and Assistance to work with agencies and stakeholders on a “bill of rights” for small business. This is discussed in more detail under the entry for SB 5948, in the section on bills that did not pass, below.

Other Enacted Bills of Interest

The next section of this report covers bills that the Legislature passed and the Governor signed into law. These bills are effective 90 days after the end of session, or July 28, 2019, unless otherwise noted.

² ESHB 1109, Section 118, Subsection (5), p. 13.

Bills on the Regulation of Financial Institutions

[HB 1247 Concerning the Washington State Credit Union Act.](#) (CL 19 L 19)

Eliminates the requirement for annual and special meetings of a state-chartered credit union to be held at a designated place. Requires verification of member accounts at least every two years. Allows membership to include groups situated fully or partially outside of the state. Provides state-chartered credit unions with all powers and authorities of out-of-state credit unions, except membership. Allows state-chartered credit unions to invest in additional types of funds.

[SSB 5278 Concerning Reporting Suspected Fraud and Theft of Payment Cards.](#) (CL 186 L 19)

The bill requires financial institutions to provide to Washington cardholders and merchants a telephone number where card fraud or theft may be reported. It requires financial institutions to have employees or contractors available during business hours to receive phone calls and provide assistance to cardholders that suspect fraud or that their cards have been stolen.

Business and Technology

[HB 1908 Repealing the Electronic Authorization Act.](#) (CL 132 L 19)

Repeals the Electronic Authentication Act. Defines "digital signature" and "electronic signature" in statutes that will continue to use those terms in other contexts. This bill was requested by of the Secretary of State.

[SB 5638 Recognizing the Validity of Distributed Ledger Technology.](#) (C 153 L 19)

Provides that an electronic record may not be denied legal effect or enforceability solely because it is generated or stored using distributed ledger technology. Also puts definitions of "blockchain" and "distributed ledger technology" in statute. DFI signed in support of SB 5638 as a step forward in the state's recognition of rapidly developing technology. The bill was also supported by Department of Commerce.

Data Privacy

[SHB 1071 Protecting Personal Information.](#) (CL 241 L 19)

This legislation expands the definition of "personal information" in the data breach notice laws to include numeric identifiers associated with military and student identification cards, passports, health insurance plans, personal health information, and also biometric identifiers. Requires certain additional information to be provided in a data breach notice to affected consumers and to the Attorney General. Authorizes additional methods of providing a data breach notice to affected consumers. Shortens the period of time to provide notice to affected consumers and the Attorney General from 45 days to 30 days. This legislation was requested by the Attorney General.

The bill gives the Attorney General authority to bring an action on behalf of the state or persons residing in the state to enforce the bill, and applies Consumer Protection Act (CPA) to such actions. It also provides a private right of action to any consumer damaged by a violation of the notice of security breaches section of the Public Records Act (RCW 42.56.590).

Diversity, Equity and Inclusion

HI 1000 Concerning Diversity, Equity, and Inclusion. (C 160 L 19)

Amends the provision of law that prohibits the state from discriminating against or granting preferential treatment to an individual or group based on certain characteristics in public employment, public education, and public contracting.

Creates the Governor's Commission on Diversity, Equity, and Inclusion responsible for directing, monitoring, and enforcing state agency compliance with the initiative and reporting on state agency progress in achieving diversity, equity, and inclusion.

Requires a memorandum and draft legislation regarding necessary statutory changes to bring nomenclature and processes in line with the initiative. The effective date is July 28, 2019.³

³ Opponents of the initiative have filed Referendum 88 to attempt to overturn the legislative decision in the November 2019 election. <https://www.sos.wa.gov/elections/initiatives/referendum.aspx>

SB 5497 Establishing a Statewide Policy Supporting Washington State's Economy and Immigrants' Role in the Workplace. (CL 440 L 19)

Establishes the Keep Washington Working Act. Creates the Keep Washington Working statewide work group. Requires the Attorney General to publish model policies for limiting immigration enforcement to the fullest extent possible consistent with state and federal laws for certain entities. Prohibits certain actions by law enforcement agencies and the Department of Corrections.

This bill was supported by the Office of the Governor. DFI reviewed the bill prior to introduction and supported its passage.

Foreclosure

E2SHB 1105 Protecting Taxpayers from Home Foreclosure. (C 332 L 19)

Requires county treasurers to annually distribute tax statements by March 15. Requires county treasurers to provide the contact information of delinquent taxpayers to a homeownership resource center after the expiration of two years from the date of the property tax delinquency. Authorizes taxpayers to participate in payment agreements for delinquent taxes in any case where current or past taxes may be delinquent. Requires all payments received from a taxpayer participating in a payment agreement or making a partial tax payment for a delinquency to be applied to the oldest delinquent year first unless the taxpayer requests otherwise. Prohibits property foreclosures on tax delinquencies totaling \$100 or less. Authorizes assessors to assist taxpayers in applying for the tax deferral or exemption program and requires assessors to refer them to the statewide foreclosure hotline.

Debt Collection

HB 1066 Requiring Debt Collection Complaints to be Filed Prior to Service of Summons and Complaint. (C 201 L 19)

Makes it a prohibited practice for a collection agency to serve a debtor with a summons and complaint unless the summons and complaint have been filed with the court and bear the case number assigned by the court.

SHB 1531 - Concerning Medical Debt. (CL 227 L 19)

Lowers the prejudgment interest rate on medical debt and bans certain actions in supplemental proceedings related to medical debt. Amends the prohibited practices section of the Collection Agency Act with respect to medical debt. Prohibits health care providers and facilities from selling or assigning medical debt to any person licensed as a

collection agency until at least 120 days after the initial billing statement has been transmitted to the patient or other responsible party.

HB 1602 Concerning Consumer Debt. (CL 371 L 19)

Changes the post-judgment interest rate for unpaid consumer debt to 9 percentage points above the prime rate, unless the judgment interest rate is specified in the contract. Increases the bank account and wage garnishment exemptions to 35 times the state minimum wage or 80 percent of disposable earnings. for judgments on consumer debt. Modifies the writs and forms for garnishment and continuing lien on earnings to specify whether a writ is for consumer debt, and outlines debtor exemption rights for consumer debt.

HB 1730 - Concerning the Effect of Payment or Acknowledgment Made After the Expiration of a Limitations Period. (C 377 L 19)

Provides that any payment on a contract made after the limitation period for commencing a cause of action has expired shall not restart, revive, or extend the limitations period. Provides that an acknowledgement or promise made after the limitation period for commencing a cause of action has expired shall not restart, revive, or extend the limitations period.

Taxes

The Legislature passed two tax bills that will apply to some of the businesses DFI regulates.

SHB 2167 Concerning Tax Revenue. (C 420 L 19)

Imposes an additional 1.2 percent business and occupation tax on specified financial institutions. A specified financial institution under the bill is a member of a consolidated financial institutions group that reports on its consolidated financial state income of at least \$ 1 billion for the previous calendar year.

E2SHB 2158 Creating a Workforce Education Investment to Train Washington Students for Washington Jobs. (C 406 L 19)

Establishes a Workforce Education Investment Accountability and Oversight Board. Establishes the Washington College Grant Program, the Washington Student Loan Refinancing Program, and a career connected learning cross-agency work group and grant program. Makes changes to the Working Connections Child Care Program, the Washington Opportunity Scholarship, Veteran and National Guard tuition waivers, and the Health Professionals Loan Repayment Program.

Imposes a 20 percent business and occupation (B&O) surcharge on the income from service and other activities of select businesses. Imposes a 33.33 percent B&O surcharge on the income from service and other activities of advanced computing businesses with revenue of more than \$25 billion but less than \$100 billion. Imposes a 66.66 percent B&O surcharge on the income from service and other activities of advanced computing businesses with revenue of more than \$100 billion. Establishes a Workforce Education Investment Account. Makes biennial operating budget appropriations for the 2019-21 biennium.

Bills That Did Not Pass

The following bills did not pass this year. These are select bills DFI worked on or tracked. As in the previous section, the bills are described and in some cases comments are then offered in italics.

Businesses & Workers

[HB 2093](#) / [SB 5948](#) **Creating a Small Business Bill of Rights.**

This bill would give small businesses (defined as those with no more than 300 employees) a number of rights with respect to government oversight, such as prior notice for inspections, periodic follow up while inspection results are pending, and written materials setting forth regulatory compliance requirements in the owner's primary language.

HB 1109, the operating budget contains a proviso for further work on the bill by the Office of Regulatory Innovation and Assistance, with a report back to the Legislature due before next session begins. This bill will likely receive more attention of the Legislature in the 2020 session.

Diversity, Equity and Inclusion

[SB 5165](#) **Concerning Discrimination Based On Citizenship or Immigration Status.**

SB 5165 added citizenship or immigration status to Washington's laws against discrimination. Section 8 of the bill as introduced would have made it an unfair practice to deny credit, increase required collateral or restrict the amount of credit available in connection citizenship or immigration status.

As introduced, this bill provided an exception if consideration of citizenship or immigration status is *required* by federal law. A broader exception – allowing consideration of these factor if that is *authorized* under federal law – was eventually adopted via an amendment offered by Sen. Saldana.

SB 5165 passed the Senate 29-20 but died in the House.

E2SSB 5740 Creating the Secure Choice Retirement Savings Program.

Under this bill certain employers would be required to automatically enroll their employees in an individual retirement account through a program administered by the Department of Commerce. Employees would then have an opportunity to contribute to an Individual Retirement Account (IRA) but could choose to opt out.

Sen. Mark Mullet was the prime sponsor of this bill, which was modelled on OregonSaves, an automatic enrollment payroll deduction program Oregon implemented in 2017. Oregon offered to share its administrative structure with Washington, which would reduce start-up costs.

In its initial form, the bill exempted the state, the program or the employer from liability for losses incurred by the trust. DFI worked with Department of Commerce and Senate committee staff to amend that section to clarify that the exemption applied to investment risk but not breach of fiduciary duty.

Data Privacy and Technology

SB 5376 Protecting Consumer Data.

Sen. Reuven Carlyle introduced two major pieces of legislation to broadly address consumer data privacy this session. The first of these, SB 5376, was primarily directed toward the private sector. Sen. Carlyle's approach was influenced by the California Consumer Privacy Act (CCPA) -- sweeping privacy legislation that was enacted in 2018, to go into effect in 2020. That bill in turn was influenced by the General Data Protection Regulation (GDPR) adopted by the European Union in 2016. The CCPA and the GDPR both give individuals some control over their personal data. The CCPA gives consumers certain rights to know what data is being collected about them, to access that data, to know how it's used and these elements also appeared in SB 5376.

Sen. Carlyle worked closely with privacy advocates, major IT businesses and the state's Chief Privacy Officer in developing the bill. Other business interests, including financial services, were approached by Sen. Carlyle but did not see a draft until the eve of session. What follows is a very high level description of the main feature of the bill.

SB 5376 identifies classes of persons responsible for consumer data use. The most important of these are "controllers"-- persons who determine the purposes for and

means of “processing” of personal data. “Processing” is defined as any operation that is performed on personal data, such as collection, recording, storage, retrieval or use.

Controllers are made explicitly responsible for compliance with the bill. They would be required to facilitate consumers’ requests to exercise their rights of access, correction, deletion and restriction of the use of their data. Controllers are also responsible for certain risk assessments. The Consumer Protection Act would apply to violations.

Facial Recognition Technology

The bill also attempted to address facial recognition technology. It placed some restrictions on controllers using facial recognition technology, requiring them to “employ meaningful human review” of decision arrived at by profiling. “Profiling” was defined in the bill as automated processing of personal data to analyze a person’s “economic situation, health, personal preference, interests, reliability, behavior, location and movements.” The decisions subject to human review would be those which produce legal or similarly significant effects on consumers.

Processors providing facial recognition services would be required to prohibit the use of facial recognition services by controllers to unlawfully discriminate against consumers. (This was a curious turn, as Section 5 of the act places primary responsibility for compliance with the act on controllers, as previously noted.)

Notice of deployment and use of facial recognition services in premises open to the public would need to be posted prominently. Once posted, a consumer’s entry in such premises would constitute consent to the use of facial recognition services.

The bill would prohibit all state and local government agencies from using facial recognition unless that use is to support law enforcement under a court order or in an emergency. The state’s Office of Privacy and Data Protection would be tasked with conducting an analysis of the use of facial recognition technology by the public sector.

Senator Carlyle has tweeted his commitment to continue to work on the bill in 2020.⁴ Rep. Zach Hudgins, chair of the House Committee on Innovation, Technology & Economic Development and one of the lead negotiators for the House has expressed hope that next year the process will be more inclusive.⁵

[SB 5377 Concerning Data Sales and Governance.](#)

⁴ Sen. Reuven Carlyle, Twitter @ReuvenCarlyle, May 17, 2019

⁵ Ropek, Lucas, *Why Did Washington State’s Privacy Legislation Collapse?* Government Technology April 19, 2019 <https://www.govtech.com/policy/Why-Did-Washington-States-Privacy-Legislation-Collapse.html>

This was the second of two privacy bills introduced by Sen. Reuven Carlyle. It would impose some limitations on how government agencies use and share consumer data, and establish disclosure requirements.

Sale of personal data by state agencies would be prohibited unless specifically authorized by law. Agencies would be required to attempt to protect such data from impermissible use or subsequent transfer, use or sale to a third party.

Consumers would have the right to approach agencies regarding their personal data along lines set forth in SB 5376, Protecting Consumer Data, described above. Agencies would be required to disclose to the consumer upon request if the consumer's personal data was being "processed" by the agency. If so, consumers would have the right to correct data inaccuracies or, if it was no longer necessary for the purposes for which it was collected to have it deleted. Agencies would also be required to provide consumers with copies of their personal data.

[E2SSB 5662 Concerning Cloud Computing Solutions.](#)

This bill would have required state agencies to adopt third party commercial cloud computing solutions for new IT or telecommunications investments.

It required that agencies submit cloud migration plans to Consolidated Technology Services and to seek a waiver for any service requirement that is not suitable for the cloud. It also required CTS to conduct a statewide cloud computing readiness assessment.

All state agency HR directors would report to the Employment Security Department on impacts to staffing, which would then develop training for dislocated workers.

Student Loans

[2SSB 5774 Relieving Student Debt.](#)

A two pronged response to the student debt crisis, this bill contained a student loan refinancing program and the establishment of an incoming share agreement pilot program.

An income share agreement (ISA), for the purposes of this bill, is a contract under which a student receives funding for educational expenses from an investor who in return receives a portion of the student's future earnings.

The bill as introduced did not place many restrictions on the terms of an ISA. The amount of future income an ISA could claim was limited to no more than 15 percent annually. Income at or below the federal household poverty line was exempted. The

duration of an ISA had to be specified in the contract; the bill as introduced had no limit to duration. The duration of ISA could be extended if a person was unable to pay because of annual income below an exemption threshold. And the bill permitted, but did not require, forgiveness of the income due to the investor in the event of total and permanent disability.

Certain disclosures were required – the definition of income to be used for calculated the debt, the percent of income obligated, the duration of the ISA, and that the ISA is not a loan. The bill also exempted ISAs state usury laws. The program was to be a pilot, with periodic reports back to the Legislature and sunset in 2029.

Subsequent Amendments

The ISA provisions of SB 5774 were amended in the Senate Higher Education & Workforce Development Committee. The amendment, proposed by the bill's prime sponsor Sen. Marko Liias, added in a repayment cap of two and one-half times the amount of the initial funding level, and extinguished the agreement upon death of the obligor.

The bill underwent further amendment in the Senate Ways & Means Committee, making the pilot program subject to private funding and adding demographic data to the reporting requirements.

Sen. Hans Zeiger, the ranking member of the Senate Higher Education and Workforce Development Committee, proposed a broader amendment when the bill came up for a vote on the Senate floor. This amendment would have introduced some regulation by DFI and introduce other consumer protections. It would have limited the duration of an ISA to 360 months and flatly exempted from sharing the first \$10,000 of an obligor's income for a given year. It also clarified that a holder of an ISA would have no rights regarding an individual's decisions or actions regarding educational or employment pursuits. And it strengthened the 15 percent of annual income cap by making any ISA that exceeded that amount unenforceable. It also made any purchaser of an ISA subject to the terms in the ISA when it was originated.

The Zeiger amendment also established some regulation of the ISA originators by DFI in a new section. Originators would have to secure a license from DFI. Persons previously convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony or violation of banking laws would be ineligible. Once issued, a license would be subject to an annual fee and could be revoked or suspended by DFI for cause.

DFI would have been given examination authority could take enforcement actions for violations of the act. Violations included misleading or defraud an individual or a lender, engaging in unfair or deceptive practice, obtaining property by fraud or misrepresentation making false or deceptive statements regarding ISA terms or

conditions, engaging in bait and switch advertising, and negligently making false statements or knowing omissions of material facts to DFI in an application or investigation. A violation of [RCW 31.04.102](#) would also have been a violation of the act in this amendment. Under that statute, lenders comply with the federal Truth in Lending Act for loans that are not secured by real property.

The Senate rejected Sen. Zeiger's amendment before voting the bill over to the House for its consideration. There the bill advance out of committee but was not brought to the House floor for a vote before cut-off.

Late in session, DFI was asked by Rep. Drew Hansen, the Chair of the House Higher Education & Workforce Development Committee, to prepare an amendment to create some regulatory oversight of ISAs by DFI. That amendment was drafted by our Consumer Services Division and shared with both Rep. Hansen and Sen. Liias a few days before opposite house policy bill cut-off. However, the House did not bring the bill up for further consideration.

As noted at the beginning of the discussion of SB 5774, this bill also would have created a student loan refinancing program. Those provisions were amended into HB 2158 discussed above.

State Bank

[SB 5949 Establishing the Washington Investment Trust.](#)

This would establish the Washington Investment Trust (WIT) as the designated depository for public funds for the maintenance and development of public infrastructure. The public depository that would be created by this bill is also often referred to as a state bank. State funds and federal transportation dollars earmarked for infrastructure projects held by either the State Treasurer or local governments would be deposited in WIT.

Much of the bill sets forth governance structure for this new institution. A commission of five statewide elected officials would have primary authority over the WIT. The commission would have rule making authority and the power to appoint a president to manage operations.

There would also be a transition board composed of legislators from both caucuses in both chambers and seven citizen members with financial backgrounds, also appointed by legislative leaders. The role of the transition board would be to come up with a business plan, including initial capital requirements and options for securing that capital, with a target start-up date of July 1, 2020. The commission would then present the capitalization recommendations to the Legislature.

A separate advisory board would also be created. This board would have eleven members appointed by the governor but subject to confirmation by the senate. The purpose of this board is to review WIT's operations and make recommendations relating to its management and operations.

Possible capital sources are identified in the bill⁶ – federal transportation funds, Taft-Hartley trust funds, bond proceeds, reserves for state health care programs, unemployment insurance and workers compensation, housing trust funds, the state investment board, local government investment pool funds for other “core capital reserves not needed for liquidity.” The bill also provides that other accounts could also be identified as possible sources for deposits.⁷

The trust would replace the state's public works assistance account as the state source of funding for infrastructure projects. Deposits in WIT would be guaranteed by the state rather than FDIC, although WIT would be authorized to join the Federal Reserve System or the federal Home Loan Bank.⁸

Section 13 tasks DFI with examining the Washington Investment Trust and the State Auditor with auditing it.

SB 5995 Establishing the Washington investment trust.

This bill is an expanded version of SB 5949. Both were sponsored by Sen. Bob Hasegawa, but SB 5995 was introduced later in session. It directs the transition board to look at creating “a state chartered public cooperative bank based on the federal home loan model whose members are limited to state or political subdivisions.”⁹ It expands the identified sources of capital to add state revenues and federal funds generally and funds from local governments.¹⁰ It also adds “consolidation of state revolving loan accounts” to the options for capitalization. In all other respects, it's the same bill as SB 5949. As was the case with SB 5949, this bill died in committee.

SB 5864 An act relating to financing local public works through the creation of the Washington state infrastructure bank.

⁶ SB 5949 Section 5, subsection (2) (c). 2019

⁷ Ibid Section 6, subsections (5) and (6).

⁸ Ibid, Section 8.

⁹ SB 5995 2019 Section 5 (2) (b). The legislature commissioned a study of the risks and benefits posed by establishing a “state-chartered public cooperative bank” by the University of Washington's Daniel J. Evans School of Public Policy and Governance. An initial status report was submitted by the authors to the Office of Financial Management on December 18, 2019, just before the beginning of session. The final report is due June 30, 2019.

¹⁰ Ibid, Section 5 (2) (c). Where SB 5949 identified federal transportation funding and certain state accounts as possible capital sources, this bill identifies all state revenues and federal funds as potential sources.

. The bill would have replaced the Public Works Assistance Account with a new account called the Washington Infrastructure Bank Account. All public utility and solid waste tax money would be deposited into the account beginning in 2023. The account would be used to fund infrastructure. Senator Steve Hobbs was the sponsor of this bill, and may have been conceived as an alternative to the Washington Investment Trust for increasing funding for infrastructure projects

A Look Forward to the 2020 Session

Washington's Legislature convenes on a biennial basis. Bills introduced in the first year of a biennium but not enacted session remain alive for the subsequent session; every bill introduced in 2019 that did not pass during the 2019 session will technically be available for the Legislature's consideration in 2020.¹¹ In practice, not every bill carrying over to the second year will be acted upon. Some bills that did not pass garnered little support or interest, or were obviously impractical. Some were intentionally provocative, intended by their sponsors to express concerns or draw attention.¹ Lastly, the content of some bills that didn't pass was amended onto other bills that did, obviating the need for the old bill

The 2020 regular legislative session will be 60 days in length. It is always difficult to predict what the Legislature will do, but it is safe to assume that a number of the bills discussed in the previous section probably will be active again in 2020.

- **HB 2093 / SB 5948 Creating a Small Business Bill of Rights.** As previously noted, the Legislature appropriated funds to create an agency workgroup to come up with recommendations for a small business bill of rights, making it highly likely it will be active next year.
- **SB 5376 Protecting Consumer Data.** Even before session ended Sen. Carlyle tweeted his intention to continue to work on this bill. Rep. Hudgins, his House counterpart, also said he hoped to see a compromise reached in 2020.
- **SB 5377 Concerning Data Sales and Governance.** Also a Carlyle bill and containing concepts and language similar to SB 5376, but applying to government. If a deal can be reached on that bill, this one will likely move as well.
- **E2SSB 5662 Concerning Cloud Computing Solutions.** Washington is home to two of the largest cloud computing providers in the world – Microsoft and Amazon – and the Washington Technology Industry Association has indicated it

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would like to see legislation regarding cloud computing in 2020. If there is a bill on this subject, it will likely be less directive than SB 5662.

- **2SSB 5774 Relieving Student Debt.** The student loan refinancing program that was a key element of this bill was amended into HB 2158, the omnibus higher education financing bill passed late in session. This effectively leave income share agreements as the remaining content of the bill.
- **SB 5740 Secure Choice Retirement Program.** This bill came very close to passing and there will be another effort next year. The Department of Commerce has indicated they are interesting in seeing the establishment of this type of opt-out automatic enrollment and are looking at agency request legislation for 2020.
- **SB 5995 Washington Investment Trust.** Sen. Hasegawa has shown sustained interest in establishing a state bank and has the support of some other legislators. With the University of Washington submitting another report on this issue this summer, there will likely be more legislative attention to this proposal in 2020.
- **SB 5165 Concerning Discrimination Based on Citizenship or Immigration Status.** This bill passed the Senate and was poised for a floor vote in the House when the session ended. It's likely the Legislature will pass this bill or another similar one in 2020.