

# SENATE BILL REPORT

## HB 1072

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As Passed Senate, April 5, 2021

**Title:** An act relating to removing only one of the restrictions on the use of civil legal aid funds.

**Brief Description:** Removing only one of the restrictions on the use of civil legal aid funds.

**Sponsors:** Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet.

**Brief History:** Passed House: 2/12/21, 56-40.

**Committee Activity:** Law & Justice: 3/04/21, 3/11/21 [DP, DNP].

**Floor Activity:** Passed Senate: 4/5/21, 28-21.

### Brief Summary of Bill

- Removes the restriction of using civil legal aid funds for representing individuals in the United States without legal authority.

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## SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille, Kuderer and Salomon.

**Minority Report:** Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

**Staff:** Tim Ford (786-7423)

**Background:** The Legislature established the Office of Civil Legal Aid (OCLA) in 2005 as an independent agency in the judicial branch. OCLA is responsible for the administration and oversight of state funds appropriated by the Legislature to provide civil legal aid

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

services. OCLA does not provide legal aid services directly, but contracts with attorneys to provide civil legal aid services to eligible low-income clients throughout the state. The Northwest Justice Project is the primary statewide provider of civil legal aid services. OCLA is responsible for reporting to the legal aid oversight committee on the use of state funds for legal aid.

Moneys appropriated for OCLA are used for legal representation of indigent persons in matters relating to:

- domestic relations and family law;
- governmental assistance and services;
- health care;
- housing and utilities;
- mortgage foreclosures;
- consumer, financial services, credit, and bankruptcy;
- employment;
- rights of residents of long-term care facilities;
- wills, estates, and living wills;
- elder abuse;
- guardianship;
- disability rights;
- education, including special education;
- administrative agency decisions; and
- discrimination prohibited by local, state, or federal law.

Funds distributed to qualified legal aid programs by the OCLA may not be used directly or indirectly for:

- lobbying or grass roots lobbying;
- class action lawsuits;
- participating in or identifying the program with prohibited political activities, such as any activity directed toward the success or failure of a political party, candidate, or ballot measure, or voter registration or transportation activities;
- representation in fee-generating cases;
- organizing any association, union, or federation, or representing a labor union;
- representation of individuals who are in the United States without legal authority;
- picketing, demonstrations, strikes, or boycotts;
- engaging in inappropriate solicitation; or
- conducting training programs that advocate particular public policies; encourage or facilitate political activities, labor, or antilabor activities; boycotts, picketing, strikes or demonstrations; or attempts to influence legislation or rulemaking.

**Summary of Bill:** The bill removes the restriction of using funds to represent individuals who are in the United States without legal authority.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill will eliminate discriminatory provisions that deny equal protection and enforcement of state law of general applicability regardless of immigration status. By removing this barrier we will be able to address discrimination. Without access to legal aid immigrants are being denied the protection of laws that make it illegal to discriminate.

It removes a discriminatory provision that denies legal assistance simply because an immigrant does not have documentation of a legal status. The bill is about fairness.

**Persons Testifying:** PRO: Representative Debra Lekanoff, Prime Sponsor; Jim Bamberger, Washington State Office of Civil Legal Aid; Danielle Alvarado, Fair Work Center; Olga Lucia Herrera, Spokane Immigrant Rights Coalition.

**Persons Signed In To Testify But Not Testifying:** No one.