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December 2016



Michael O'Meara

WCA President

President's Message

In every battle there comes a time when both sides consider themselves beaten, then he who continues the attack wins.

- Ulysses S. Grant

On behalf of the WCA, I want to start by wishing you a happy holiday season and a joyous New Year! In 2016, I have talked with many of you about your businesses and the concerns and challenges they face. As an industry, we continue to face significant obstacles in our efforts to remain viable and profitable. Increased regulation, litigation and compliance burdens have challenged most members in the last few years. I also noticed in our discussions that some members believe the WCA could do more to help our members. Several of you have suggested that the WCA should be more proactive and responsive to these challenges and I agree. I plan on proposing several strategies, programs and initiatives at our 2017 Annual Meeting and Convention that will make your Association more effective, efficient and responsive. I also wanted to point out, however, that the WCA has been effective at protecting members and the industry. I thought this might be a time to look back at what the WCA has done. To assure all members that your Board has worked tirelessly and selflessly and this work continues into the New Year.

This Association has protected you from burdensome and harmful legislation. Once that work is complete, however, your volunteer board has little time or energy left to trumpet our successes. Perhaps, our membership may not know about all issues we have worked on and some of our successes go unheralded. Let me rectify that now. Over the last several years we have been faced by hosts of bills that would have negatively affected your business and defeated them. SB 6649 would have required you to review the supporting documents on each and every account assigned to your office and provide certification that the debt is accurate prior to initiating collection activity. HB2659 and SB 6360 would have created a state-wide payment plan service, run by the State for tickets and fines. The WCA helped convert this into a study bill and our members and Board are actively participating in the study and educating the other stakeholders on the importance of our role. HB 1390 and SB 5713 would have eliminated all interest on criminal fines. If the groups and legislators behind this effort had succeeded, it would have doubtless been followed up with an effort to extend interest-lowering or interest-forgiveness to civil judgments. HB 2674 and SB 6448 would have doubled the surcharge you pay to the courts for filing documents and included an annual cost inflator. SB 6628 Would have eliminated your ability to serve a consumer with a lawsuit prior to filing it in Superior Court. HB 1460 would have prohibited credit reporting landlord-tenant debt prior to obtaining a judgment. HB 2150 would have increased your B&O rate from 1.5% to 3.75%. The WCA also successfully opposed changes to the Washington Administrative Code relating to how the Washington Collection Board can govern Agencies in our state. To say those changes would have been burdensome to your agency is a major understatement.

The WCA has gotten laws passed and other bills introduced that we are still working on getting passed. We revised RCW § 4.84.010 which allows you to recover attorney's fees and court costs even if a consumer pays the underlying debt. We revised RCW § 62A.3-540 to ensure consumers cannot allege a misrepresentation when your notices of dishonor describe a civil action. We revised dozens of statutes relating to garnishment which simplified the process and increased the attorneys' fees that can be recovered through a garnishment. We revised 19.16.250 to clarify that the unauthorized practice of law was prohibited practice in the Act. (Previously the prohibition was against the practice of law altogether). The WCA



Michael O'Meara

WCA President

President's Message
cont.

helped ensure that the 2010 "temporary" increase of the B&O tax really was temporary. We also made legislative changes that provided much needed clarification on many issues such as calling cellular telephones, identifying the proper time zone within which to contact a consumer, and notifying a consumer reporting agency about a dispute on a debt. This is not an exhaustive list. Such a list would take much for space than we have in this bulletin.

Not that we have always succeeded. Many of us were disappointed when the WCA could not pass the garnishment bill so many worked and lobbied so hard on. The fact is that the consumer advocacy groups like NW Justice and Evergreen Legal Service have seen an increase in their funding and their political influence. This means we have had to fight more bills they have introduced and fight harder to pass the bills we introduce. Achieving a successful bill, in this environment, is more likely to require a multi-year effort and it has made it more important than ever that all members join the effort.

All of the information above is my way of telling you that if you don't think your Association does enough for your business it is probably because you have not paid enough attention or gotten involved. Your Board of Directors will redouble our efforts and will keep trying to improve our industry in 2017. We will continue to fight the bad and fight for the good. We will continue dedicating our time, our talents and our resources on behalf of the membership. The question is, what will you be doing in 2017? Will you be fighting with us? Will you contact a Board Member to offer your help. Will you be attending a unit meeting or our annual meeting? Will you attend a lunch with a legislator? Will you support the WCA or stand back and bemoan the state of the industry and wonder how it all went to pot. Not all members will answer this call to service. Will you?

Save the date, Olympia Day will be February 7, 2017



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Greetings!

As you can imagine I believe we are about to embark on a very busy legislative session! There will most likely be bills we will need to play defense on as well as hopefully playing some offense this session as well. We have a good start on our transaction fee bill and are working on our interest bill as well. We are still waiting for word from the Washington State Hospital Association to see if they are willing to help in regards to the interest bill and if so, how much. We have been engaged in the stakeholder group convened by the Attorney General's office in regards to 6360 and know that waiving LFO interest is still very much at the top of the list for some other groups again this year. Notice has also been given that there will be legislation in the 2017 session on student loan debt. Many of you are already aware that relationships and education are vital! Knowing your elected officials and educating them on legislation is critical when things come up. Timing can also play a big role. I know that Mark and Chester do a great job of trying to keep us all informed and generally have a key group that they send out updates and calls to action. If you would like to be part of the notification for updates, please let me know! I believe that the WCA strives to represent ALL its members and as your legislative chair, I would like to engage everyone! Many hands, make light work! In our own agency we have found engaging our employees has been helpful and they like being involved and knowing what is going on.

I would also like to set a challenge for 2017 that we all work on creating a more positive image for our industry. Education will play a part of that; explaining why debt collection is necessary and vital to our economies, but I also believe that service can help. We really are the good guys (and gals)! Many agencies are already participating in programs within their communities. I would encourage you to try and do a few more if possible. Engage your staff and other members of your community. Do you have a message board out front that you could advertise your cause? Then each time people drive by your office maybe they would see that you're collecting blankets or canned foods and relate it to a positive. In some cases, you may have clients that sponsor various service activities you could partner with. It might also help if your local newspaper could help publicize or do a positive article highlighting that while we do collect debts, we really do care about people.

I'd also encourage everyone to check out the new ACA "All In" program!

I wish you all a wonderful holiday season and blessed 2017.

Kelsi Hamilton-WCA Legislative Chair
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LEGISLATIVE CONCERNS

- **A Unified Statewide Consolidation of traffic-based Financial Obligations:** Our association does not support a unified payment plan mandated by the state concerning traffic citations. The WCA is one of the stakeholders in the LFO workgroup created by 6360 and we look forward to educating other stakeholders on this panel about the problems a unified system will create. There are already options available for people to be relicensed even while accounts are in collections. Our member-agencies help those with infractions get relicensed daily with affordable, easy payment plans. Another option, is the Occupational Restricted License, which is easy to obtain once proof of insurance is shown. Removing member-agencies from the process will have a negative impact on the state in terms of lost revenue and the overall economy. We also believe there are strong public safety issues that should be addressed.
- **Drastic Cuts to Interest on Legal Financial Obligations:** The WCA opposes legislation like 1390, which would eliminate or lower interest on legal financial obligations. There are other methods available for those wishing to have their interest reduced or waived that require minimal self-accountability. Interest serves as an incentive to pay fines and citations. Cutting interest would cut funding for state and county budgets that help support education and other important county programs. We support offenders reintegrating into society, but simply cutting interest is not the proper way.
- **Convenience Fees:** Currently the collection industry is one of the few types of businesses not allowed to pass on a convenience fee for debit/credit cards. More and more consumers choose to use their cards to pay their accounts and the processing costs for these transactions are significant. There are many free options available to consumers: cash, check, money order. Using a debit/credit card to pay is a choice. Under RCW 19.16.250 we are prohibited from assessing that fee. Gas prices are advertised all over our state with a cash price and a debit/credit price. The courts can assess a 7% charge if a person wishes to pay an infraction with a debit/credit card, but if that same infraction is turned over to one of our collection agencies, we may not charge any fee to recover the cost we incur for processing the payment on a card. Please note that the industry will make no profit in charging a convenience fee, but only recover a portion of the costs we incur for allowing this convenience for consumers to clear up their debts.

We look forward to working with you in the next session. Please contact our association if you have any questions, or would like to discuss our position on any past, present, or future legislative matters. Thank you for your service!

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PREJUDGMENT INTEREST

The bill will clarify a creditor's ability to recover prejudgment interest. In reliance on the enactment of the "account receivable" statute of limitations in 1989 (RCW 4.16.040(2)), the business practice in Washington has been to treat all unpaid business accounts as accounts receivable, with the ability to assess interest under RCA 19.52.010. Prejudgment interest compensates for the deprivation of the ability to make use of money wrongfully withheld.

A recent litigation theory asserts that medical debts are not "liquidated" and do not fall under the definition of an "account receivable," and therefore that creditors are not entitled to prejudgment interest on those accounts. The issue is currently being litigated in Washington courts, including a number of class actions, which are costly to defend and could result in ruinous damages. These lawsuits seek to reverse decades of legitimate business practice, and retroactively punish those who have assessed interest on legitimate debts. This type of litigation could be filed not only against medical providers, but against other service providers as well as landlords and building managers who must incur costs to repair property damage done by tenants. The bill would provide legislative support to the long-standing practice of creditors assessing interest on unpaid accounts, and close the perceived loop hole being exploited in the referenced litigation.

By analogy, other statutes or codes support the assessment of prejudgment interest, including RCW 51.36.080 (interest of 1% per month paid by the state on medical debts relating to Industrial Insurance claims) and WAC 246-453-050 (interest not allowed on charity care hospital accounts, implying that non-charity care accounts can accrue interest).

The bill provides needed clarity on these issues, including:

- defining "account receivable" to include obligations for medical or other professional services and damages to real or personal property,
- clarifying that these debts are liquidated and subject to interest, and
- providing an unambiguous start date for interest accrual.

If you have questions, please feel free to contact:

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Prejudgment Interest in Washington by Andrew Shafer

Washington law allows prejudgment interest on liquidated claims. A “liquidated claim” is one for which the finder of fact can determine the claim’s value without having to look to opinion evidence or without the fact finder having to exercise discretion (such as when a jury awards pain and suffering damages in a personal injury case). The test is as follows: If the fact finder accepts all of the plaintiff’s evidence as true, and it still needs expert opinion evidence or has to exercise its discretion, then the claim is unliquidated.

Just because you are recovering a debt based on a written agreement, does not mean the debt is liquidated. For example, in *Burksfield v. Sali*, 194 Wn. App. 1052 (2016), the court disallowed prejudgment interest in a dispute over royalties owed on a gravel pit operation (the plaintiff was to receive a royalty for every yard of gravel extracted). The court concluded that because the jury had to rely on expert witness testimony about how much gravel had been extracted from the site, the claim for royalties was unliquidated. The plaintiff did not get its award of prejudgment interest.

In a recent case in King County Superior Court, Judge Ken Schubert ruled on a motion for summary judgment that a claim to recover medical debt brought on behalf of the hospitals to which the debts were owed was an unliquidated debt.

Even though the judge had the invoices showing the line items for the charges, the court concluded that because the jury had to determine whether the charges were reasonable, it would have to rely on expert testimony before reaching its conclusions. Since the jury would have to decide if the charges were reasonable, Judge Schubert concluded that the debt was unliquidated and he disallowed prejudgment interest.

The judge’s analysis was flawed because he asked the wrong questions. What he should have done was ask whether, if the jury accepted the hospitals’ evidence, it could compute the amount due without resorting to discretion. Clearly, armed with a cell phone four function calculator, the jury could readily calculate the debt. As such, this should have been treated as a liquidated debt to which prejudgment interest applied. A former Court of Appeals judge, during a follow up mediation, agreed that Judge Schubert’s analysis was flawed. This judge indicated she would have reversed the decision.

What is the impact of this decision? As a practical matter, a superior court decision has no value as precedent in this state. While the decision controls this particular case, it really goes no further. However, the plaintiffs’ attorney in this case practices in this field and can be expected to now troll for clients by perusing the state district court case dockets for medical debt collections. He can easily do this from the comfort of his office by checking the district court on line dockets for collection agencies he knows collect medical debt. Once he has the case numbers, he can obtain the pleadings to determine whether the action is for medical debt. With this information in hand, he is off to the races.

What is the risk to agencies here? Since we have at least one judge ruling adversely to the practice, agencies that continue to seek prejudgment interest on medical debt run the risk of violating 15 U.S.C. §§1692e(2), e(5), e(11) and f(1), the FDCPA unfair and deceptive practices portion of the FDCPA. Since counsel for the plaintiff regularly practices in this field, I anticipate he will now be trolling for plaintiffs in medical debt collection actions. Continuing the practice of charging prejudgment interest will make your agency a future target.



Cont.

What should you do if you are sued? First, if the complaint alleges FDCPA violations, remove the case to federal court. The filing fee is \$400 and this is probably the best strategic investment you will make in the case. Both the Eastern and Western district courts have terrific judges. That does not mean they will rule for you or against you. It does mean their analyses will not be flawed. That is really the best you can ask for. If you are sued, you have 30 days from the day you are served to file the removal petition so do not sit on the pleadings and do not let your lawyer sit on the pleadings either.

What else can you do? If you are risk adverse but want to charge and collect interest as soon as possible, you can always file suit. The sooner you obtain judgment, the sooner the balance due will begin accruing interest at Washington's 12% judgment rate.

This case is a cautionary tale in other debt collection areas as well. Readily coming to mind are collection actions against former tenants. While delinquent rent is clearly liquidated debt, actions for excessive wear and tear and property damage are not liquidated. A fact finder will have to find, with respect to each element of a damages claim, that the damage was not ordinary wear and tear. Once done, the fact finder will also have to determine if the charges were reasonable charges. Thus, if your agency does tenant collections, analyze the debt components. If you charge interest, only charge it on the delinquent rent portion of the claim. This will require you to design your validation notice so that the claim is broken down into two components: delinquent rent (on which you may charge interest) and excess wear and tear (on which you should not charge interest).

CONCLUSION: Judge Schubert's decision, while not establishing any rule of law, is a shot across the bow of every agency that does medical debt collections. Until the issue is resolved, it remains an open risk to agencies that choose to ignore the warning sign.

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How A Bill Becomes a Law



Dave Fagan Past President WCA

The other day my wife asked me what I want for Christmas this year. I got to thinking and I know I am truly blessed and want for nothing, but I got to thinking and what I really want for Christmas not even Santa Claus can deliver. What I want, and what I think most of you want is some positive legislation for the collection industry passed in the next session of the legislature.

During my time on the Board of Directors it was a very fast and incomplete lesson in what has to happen to have some change in the Washington Collection Agency Act passed by our representatives in Olympia. Fortunately we have had for many years the guidance of Mark Gjurasic as our lobbyist to guide the ship, through the murky waters of getting a bill passed in Olympia. Typically the board members simply look to Mark and his up-and-coming protégé, Chester Baldwin, to take our bills and get them in front of the key players in Olympia and walk them through the long and arduous process to make that happen.

Given the urgency of some recent events and it's impacts on our members, the WCA board of directors which has been already for the last two years working on getting legislation passed to allow for transaction fees on credit and debit card payments taken by debt collectors, has drafted a new bill to address recent law suits filed against some of our members regarding the charging of pre judgment interest.

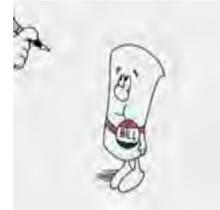
Getting this legislation passed will require all members to get really involved at the grass roots level. So my employer knowing about my tenure on the board asked me to educate our employees on this process so we can recruit them in our efforts to get the bill passed.

The little cartoon at the top of this article some of you may remember from the time of Saturday morning cartoons called School House Rock. This was the story of "Bill" who dreamed of becoming a law. This was my inspiration for my talk with our staff.

Since most of my experience in Olympia was just meeting with the legislators that Mark and Chester introduced us to and educating them about our industry and the issues that we are dealing with, I wanted to learn more about the actual mechanics of how a piece of legislation works through the system to actually get voted on and sent to the Governor for signing. Fortunately the legislature's web site has some really good information and even provides one hour classes on the basics of how a bill becomes a law. Attached to this article is a really good over view of the process for a quick read, but I really encourage you to read the additional longer version of all the intricate processes and key figures that influence the political process. We have the opportunity to be a vital part of in attempting to positively influence how we are able to conduct our businesses.



How A Bill Becomes a Law (pg2)



The key take away I get from both the reading of this information and my 6 years' experience on the WCA Board was that knowing the right people and getting in front of them is the key to this process. At the top of the list of people that can affect our success in getting our legislation passed is the chairperson of the committee that the legislation is assigned. If the bill doesn't get voted out of committee it is dead. The support of the committee chair and even better having the committee chair as the prime sponsor of our legislation, if possible, would be very advantageous for obvious reasons. The chair of the committee decides which bills get hearings where we can testify in support of the legislation and convince other committee members to vote in favor of the legislation.

The next key hurdle that has to be navigated is something called the Rules committee. Hundreds of bills are introduced every session. The legislature can only debate and vote on a certain number of bills. The Rules committee is tasked with deciding which bills will be considered on the floor for a vote. Each time the Rules Committee meets in each house, every committee member is allowed to "pull" a certain number of bills. Having strong relationships with enough members of this committee in each House will maximize the opportunity of the bill's sponsor getting his or her legislation to the floor for a vote.

I have had the privilege of being a part of the process during my time on the board and I encourage everyone to visit Olympia on Olympia Day. Schedule a meeting with your Senator or Representative. The WCA board of directors and legislative committee members work hard and give often and generously of their time. Many of our members give generously to finance the operation of our trade association and the causes we fight for. If you haven't taken the time to get involved, trust me you won't regret the lessons learned and the feeling you get when you get involved. Season's greeting to you all, best wishes for a healthy, happy and prosperous New Year, and I hope to see many of you at Olympia day in February.

HOW A BILL BECOMES A LAW

1. A bill may be introduced in either the Senate or House of Representatives, but the procedure by which a bill becomes a law is much the same, wherever the bill originates.

In this story, the bill is introduced in the Senate by a member, or members, of that body. After the bill is filed with the Secretary of the Senate, it is given a number and, unless a majority demands it be read in full, it is read the first time by title only in open session of the Senate. It is then referred to a standing committee of the Senate.

2. The committee studies the bill and often holds public hearings on it. The committee will then meet to consider the information it has gathered. It may approve the bill with or without amendments, draft a new bill on the same subject incorporating the desired changes, or take no action.

3. The committee is now ready to report back to the Senate. If the majority is in favor of the bill as introduced or with certain amendments, the committee recommends the bill for passage. The committee report is read in open session of the Senate, and the bill is then referred to the Rules Committee.

6. After passing in the Senate, the bill will go through an almost identical procedure in the House.

If the bill is passed by the House, but is amended by that body, the Senate must concur in the amendments or ask the House to remove them. If the Senate does not accept the change in the bill and the House insists on the change, a conference committee may be requested to work out the differences.

5. When the bill appears on the calendar for second reading, it is subject to amendment. It is then returned to the Rules Committee where it must receive a favorable vote before being placed on the third reading calendar for final passage. This referral to Rules is often bypassed by vote of the Senate and the bill is placed on final passage immediately following its second reading. Depending upon the degree of controversy, debate may last a few minutes to several hours — or even several days.

4. After the bill has been recommended for passage by the standing committee to which it was originally referred, the Rules Committee can either place it on the second reading calendar for debate before the entire body, or take no action. If the bill has a significant fiscal impact, it may be referred to the Ways & Means or Transportation Committee for budget impact.

7. If appointed, a conference committee has the power to work from the proposed amendments or to recommend new amendments or a new bill, consistent with the subject matter of the original measure. When the conferees reach agreement, they report to their respective houses. Their report is either adopted or rejected without any changes.

8. If the report is adopted and the bill passed by both houses, the bill is signed by the President of the Senate and the Speaker of the House in open sessions of each body, and then is sent for the Governor's signature.

9. Within five days, if the Legislature is still in session, or twenty days after its adjournment, the Governor may sign the bill or veto all or any section of it. The Legislature can override the veto by a two-thirds vote of both houses. If the Governor fails to act on the bill, it becomes law without a signature.





WCA

WASHINGTON

COLLECTORS ASSOCIATION



HB 1145

07Apr19L_0908

Saying Goodbye

“Over the Thanksgiving Holiday, my long-time legislative assistant and friend, Kyle Lynch, lost his battle with cancer. He passed away in the presence of his loving family. If you’ve called my office you’ve likely spoken with Kyle. He was a great advocate for our community and a kind and devoted family man. He will be missed.”

<http://www.columbiabasinherald.com//article/20161129/ARTICLE/161129938>

A memorial service was held at 11 AM, December 17th at Moses Lake Presbyterian Church, 1142 W. Ivy Ave., Moses Lake.

Senator Judy Warnick



HB 1042

2009-04-23L_6818



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www.acainternational.org

12/19/2016 4:57:00 PM

Merchants Credit Association Continues Longtime Support of Toys for Tots

The ACA International member company collects hundreds of new toys each year to support the local Toys for Tots chapter operated by Marines of Combat Logistics Battalion 23.

About 15 years ago, Merchants Credit Association President Dave Quigley turned his employees' generosity during the holidays into a way the ACA International member company could support the local chapter of Toys for Tots near its office in Redmond, Wash.

Employees used to give Quigley gifts during the holidays, but he decided the company could instead donate to the Toys for Tots King County chapter in Fort Lewis, Wash. The chapter is operated by Marines of Combat Logistics Battalion 23 and Staff Sgt. James Wells, [according to its website](#).



Quigley is a U.S. Marine and believes every child should receive a toy as a gift during the holidays, according to a news release from Merchants Credit Association.

"Being involved and giving back to communities is an integral part of a successful collection agency's program," said Collection Manager Scott Wiswall.

ACA International members are welcome to submit news items for possible publication. ACA frequently publishes press releases regarding member awards or honors, community service projects, events and executive appointments or promotions. Press releases that are promotional in nature, including product and service announcements, business transactions, anniversaries, relocations, expansions and non-ACA certifications, are typically not published. [Advertising is available for companies wishing to promote their products or services.](#)

Follow ACA on Twitter [@ACAIntl](#) and [@acacollector](#) or Facebook for news and event updates. ACA's LinkedIn Group includes news updates, member discussions, event promotions, jobs and more. Visit the [group page](#) and request to join today.

Pictured above: Merchants Credit Association President David Quigley, Operations Manager Carol Taylor and Collection Manager Scott Wiswall with the company's 2016 donation to the Toys for Tots King County chapter in Fort Lewis, Wash.

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<http://www.acainternational.org/news/merchants-credit-association-continues-longtime-support-of-toys-for-tots>[12/20/2016 12:46:40 PM]



WCA

WASHINGTON COLLECTORS ASSOCIATION



WASHINGTON STATE LEGISLATURE

Overview of the Legislative Process

The Washington State Legislature is made up of two houses (or chambers), the Senate and the House of Representatives. Washington has 49 legislative districts, each of which elects a Senator and two Representatives. Senators serve four-year terms and Representatives serve two-year terms. The Senate and House of Representatives meet in session each year to create new laws, change existing laws, and enact budgets for the State.

The legislative cycle is two years long. Within that two-year cycle, there are two kinds of legislative sessions: regular sessions and extraordinary, or special, sessions. Regular sessions are mandated by the State Constitution and begin the second Monday in January each year. In the odd-numbered year, for example, 2005, the regular session is 105 days; in the even-numbered year, for example, 2006, it is 60 days. Extraordinary sessions are called by the Governor to address specific issues, usually the budget. There can be any number of extraordinary sessions within the two-year cycle, and they can last no more than 30 days.

The members of the House and Senate offer legislation, or bills, for consideration. The ideas for bills come from a number of places: something has happened in the last year that inspires new legislation (for instance, the change in people's perception of crime gave rise to the youth violence bills that were offered during the 1994 Session), a member wishes to address an issue that is specific to his or her district, the Legislature decides to tackle a major issue (such as regulatory reform), changes in technology dictate a change in the State's laws, etc.

Once a member introduces a bill, the legislative process begins. The process has a number of specific steps. If the bill makes it through all the steps in the chamber in which it was introduced (the "first house"), it goes to the other

chamber (or "second house") and goes through the same steps there. Each step is identified and explained below.

Pre-filing: Members can pre-file bills for introduction beginning the first Monday in December. Pre-filed bills are officially introduced the first day of the session.

Introduction, or First Reading: The first thing that happens to bills on the "floor" is introduction and referral to committee. This is also referred to as the bill's first reading. (Bills must have three readings in each house in order to pass the Legislature.)

Leadership determines to which committees bills will be referred; this is usually determined by the bill's subject matter. Bills that require an appropriation or that raise revenue must also go to a fiscal committee for review (**the Appropriations Committee in the House or the Ways and Means Committee in the Senate**).

Committee Action: The chair of each committee works with leadership and staff to schedule bills to be heard by the committee. Committees hold three kinds of meetings: (1) work sessions, where issues are determined and reviewed; (2) public hearings, where testimony from interested parties is taken; and (3) executive sessions, where the committee decides how it will report the bill to the whole house. Not all bills get scheduled for hearing, so a good number of bills never get any further than committee.

Bills can be reported in several fashions, the most usual being "do pass" (pass the bill just as it is), "do pass as amended" (pass the bill as amended by the committee), and "do pass substitute" (the committee offers a different version to take the place of the original bill). The members on the prevailing side sign the "majority" report; those members

who disagree with the majority sign the "minority" report. Not all bills coming out of committee have minority reports.

As a bill moves through the committee process, the staff prepares the "bill report." The bill report includes a legislative history of the bill, background on the issue, a summary of the legislation, the names of those who testified on the bill, and a summary of the testimony for and against the bill. The bill report is edited as the bill moves through the process. When the bill moves to the opposite house, that house prepares a bill report as well. A bill that has finally passed the Legislature would have House, Senate, and Final bill reports.

At the start of the session, both houses agree on dates by which bills have to be reported out of committee in order to be eligible for further consideration by the Legislature. There is a "cut-off" date for bills to be out of committee in the first house and one for bills to be out of committee in the second house.

Rules Committee: Once a bill has been reported by the appropriate committee(s), the floor acts on the committee report and then passes the bill to the Rules Committee. Usually, the floor adopts the committee's recommendation.

The Rules Committee is where leadership exercises the most control over the process. The Rules Committee is made up of members from both parties. Each member on the committee gets to select two or three bills that will move on to the next step in the process. Which bills a member selects could be the result of a party caucus, or another member approaching that member, or a piece of legislation about which the member feels strongly.

Rules Review/Rules White: The first step in the Rules Committee process is called Rules Review in the House and Rules White in the Senate (the report



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that lists the bills in this step in the Senate is printed on white paper). Rules Committee members review the bills and decide whether or not to move them on to the next step.

Rules Consideration/Rules Green: The next step is called Rules Consideration in the House and Rules Green in the Senate (the report is printed on green paper). Sometimes bills skip this step and go to the calendar for second reading. It is another step that allows leadership to control the process.

Calendars/Bill Report Books: The Rules Committee decides which bills will be scheduled for second reading. Those bills that will probably require some debate are placed on the regular calendar. Those that the rules committee agree are not controversial may be placed on the suspension calendar in the House, the consent calendar in the Senate.

Each house prepares documents that list the bills scheduled to be heard on the floor. The House prepares "bill report books" (containing an order of contents and the bill report of each bill on the calendar) and "floor calendars" (a list of the bills, a brief description for each, and the committee action on each). The Senate prepares "calendars" (with an order of contents and the bill report of each bill), and "flash calendars" (the list with the brief descriptions and committee actions). The Senate flash calendar lists only those bills that were "pulled" from Rules at the last Rules Committee meeting.

Second Reading: It is on second reading that the chamber discusses the merits of the legislation. It is here, too, where members can offer amendments to the bill. Most bills that get this far get their second reading in the couple of weeks following the committee cut-off.

If a bill has been amended in committee or on the floor in the first house, it is ordered engrossed. Engrossing a bill means incorporating the amendments into the body of the bill so that the second house gets one document. If a bill has been amended in the second house, it is returned to the first house with the amendments attached so that the first house can decide whether or not it wishes to agree with the changes the second house made.

Third Reading: Third reading is where the roll call vote on final passage is taken. If the bill finally passes, it continues in the process. If the bill fails on final passage, it goes no further. Under certain circumstances, the chamber may

decide to reconsider the vote that was taken; in that case, the chamber has twenty-four hours to make a motion to reconsider the bill.

If the bill passes third reading in the second house and the second house did not amend the bill, the bill has passed the Legislature.

At the start of the session, both houses agree on "cut-off" dates by which bills have to be finally passed out of the first house and finally passed out of the second house.

Concurrence, Dispute, and Conference Committees: If the bill has been amended by the second house, the first house has to decide whether it will concur in the amendments or not. Leadership decides which bills returned from the second house will be discussed and places those bills on the concurrence calendar (House) or concurring calendar (Senate). If the first house concurs in the amendments, the bill has passed the Legislature.

If the first house disagrees with the second house, it can ask the second house to recede from the amendments. If the second house recedes, the bill has passed the Legislature.

If the two houses cannot resolve their differences, one of them can ask for a conference committee. Members from each house meet to discuss the differences. If they agree on what is to be done, the conference committee makes a report. Both houses must adopt the conference committee report for the bill to pass the Legislature. If one house does not adopt the conference committee report (whether by vote or inaction), the bill has not passed. The House Floor Activity Report and the Senate Floor Activity Report list the bills on the concurrence, dispute, and conference calendars.

Enrolling: Once a bill has finally passed the Legislature, it is enrolled. A certificate proclaiming that it has passed is attached and, if necessary, the amendments from the second house or conference committee are incorporated into the body of the bill. The bill is signed by the Speaker of the House, the Chief Clerk of the House, the President of the Senate, and the Secretary of the Senate and is sent to the Governor for his or her action.

Governor's actions: The Governor reviews the bill. The Governor may decide to sign it, veto part of it, or veto all of it. If the Governor vetoes part or all of it, the Legislature may vote to override the veto. (That happens rarely.) If the governor does not act on a bill after the allotted number of days, it is as if it were signed. From the Governor's desk, bills go to the Secretary of State who assigns a session law chapter number. The Chapter to Bill Table (available on the Internet) lists the bills that have passed the Legislature, the chapter numbers assigned by the Secretary of State, vetoes, short descriptions, and the effective dates.

Carryover: The Legislature works within the framework of a two-year cycle. For instance, the 2005-06 Session is the 59th Session of the Legislature. There will be at least two regular sessions, a "long" session in 2005 (105 days) and a "short" session in 2006 (60 days). There could also be any number of special sessions, none of which can last longer than 30 days.

Therefore, just because a bill did not make it all the way through during the regular session in the odd-numbered year (for example, 2005) does not mean it is "dead." At the end of the session, all bills in the second house are returned to the first house; so a House bill in committee in the Senate when session ends is returned to the House. At the start of the next session, be it a special session or the next regular session, bills from the previous session are reintroduced and retained in their present position.

"Carryover" bills can be taken up again in subsequent sessions during the biennium. The Legislature has a lot of latitude with these bills. The first house can place the bill on the calendar for third reading and send it right back to the second house, or it can make the bill go to committee and through the whole process again.

This is in addition to the new bills introduced during the current session. This procedure can make it difficult to keep track of bills during a special session or the second regular session. If a bill does not make it through the process by the end of the two-year cycle, it is "dead."





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October 30th, 2016



Michael O'Meara
WA Collectors Assn (WACPAC)
521 West Maxwell Avenue
Spokane WA 99201

Dear *Michael*

Thank you so much for your contribution to my re-election campaign. It is an honor every day to work for the people of the 27th Legislative District in the Washington State Senate, and I never take that opportunity for granted. I hope to continue my leadership on critical issues facing our state and appreciate your help in returning me to that work in 2017.

In sixteen years of service in the Legislature, I have continued to increase the impact and influence I have on policy development and budgeting processes. I like to think I am a "work in progress" and I can point to my four years in the Senate as something of a "growth spurt". In addition to committee work on Human Services, Mental Health & Housing (Ranking Democrat), Law & Justice, and Ways & Means, I also serve on the Caseload Forecast Council and the Trustees for the WA Historical Society. I serve on several task forces, working on issues such as the oversight of Western State Hospital, aging and long term care, the establishment of a new Children's Administration, juvenile justice issues, children's mental health needs, and the exploitation and trafficking of children and young people.

I appreciate your confidence in me, and know that there are many conflicting good causes that also ask for your help. I am honored to have your support. If there are issues relating to the development of good public policy for our community, please let me know your ideas. I can best represent the interests and concerns of people living in the 27th District with your help. I love my job more than I can say, and I'm only able to continue this work with support like you have given. Thank you so much. Take care.

Sincerely,

Jeannie
Jeannie Darnelle
(253) 576-4086 (cell phone)

CC: Mark Ejurasic

*Please extend my appreciation
to your colleagues.*





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October 27th, 2016



Michael J D Meara
WA Association of Collectors PAC
521 W Maxwell Ave
Spokane, WA 99201

Dear Mr. O'Meara,

Thank you for your contribution to my re-election campaign for 27th LD State Representative. I have enjoyed my two terms in the Legislature and greatly appreciate your help so I can continue my work to tackle our state's most important issues.

Your generosity has ensured we have the resources to reach out to voters to share my message of responsible and effective leadership. Our state faces some big challenges such as fully funding K-12 education, and solving our growing population's transportation issues. I believe my experience and ability to work across party lines will be crucial towards finding solutions and getting effective legislation to the finish line. Your financial investment in my campaign ensures I can continue pushing towards a stronger, more sustainable future for our state for many generations to come.

Once again, I want to thank you for your contribution. I am confident that your support, along with all the support I am receiving all over the district, will lead me to victory in November.

I look forward to working together with my colleagues in Olympia, to serve the people of the 27th LD and the great state of Washington.

Sincerely,

Jake Fey
Representative, 27th Legislative District

P.S. I very much enjoy working with Mark.

Paid for by the Committee to Re-elect Jake Fey
P.O. Box 1372 Tanoma, WA 98401
(253) 383-5908 jakefey@rainierconnect.com JakeFey.com





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