

**Washington State**



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**Senate Committee  
SERVICES**

SENATE COMMITTEE SERVICES

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**BILLS PASSED**

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**DURING THE 2003 REGULAR**

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**LEGISLATIVE SESSION**

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**BY COMMITTEE OF ORIGIN**

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DATE: April 27, 2003

TO: Washington State Senate Senators and Staff

FROM: Stan Pynch, Director  
Senate Committee Services

SUBJECT: Bills Passed During the 2003 Regular Legislative Session Report

We are pleased to provide you this Senate Committee Services (SCS) report, Bills Passed During the 2003 Regular Legislative Session, by Committee of Origin. Very simply, this report includes a brief description of each Senate and House bill passed by the 2003 Legislature. Bills are listed under their committee of origin in the Senate.

We have noted the Governor's action on bills through April 24. The Governor has not yet taken action on the overwhelming majority of bills included in this report.

We will be working with House staff in the weeks ahead to prepare the more comprehensive 2003 Final Legislative Report. You are likely familiar with that report, which has been produced for many years. It will include the final bill report for each bill passed by the 2003 Legislature and relevant gubernatorial veto messages.

It was a pleasure to serve you again this session, and we hope you find this report useful. Please let us know how we can continue to serve you more effectively.

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# AGRICULTURE

786-7411

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## **ESSB 5889: CONCERNING A LIVESTOCK NUTRIENT MANAGEMENT PROGRAM**

*Prime Sponsor: Senator Swecker*

- A committee is created to develop a state livestock nutrient management program that meets the requirements and time table established in rules recently adopted by the United States Environmental Protection Agency and meets state water quality laws. The committee is to provide to the Legislature its report and draft legislation by December 1, 2003.
- The current state Dairy Nutrient Management Act administered by the Department of Ecology is transferred to the Department of Agriculture. The new livestock nutrient management program is also to be administered by the Department of Agriculture. By 2006, it is the intent of the Legislature that there will be a single program for all livestock sectors.
- Until federal approval of the re-delegation of authority from the Department of Ecology to the Department of Agriculture, the program elements must be agreed upon by the Department of Ecology.

## **2SSB 5890: INITIATING A PILOT PROJECT TO DETERMINE THE FEASIBILITY AND BENEFITS FOR MEDICAL MONITORING OF AGRICULTURAL WORKERS**

*Prime Sponsor: Senator Swecker*

- The Legislature's interest in tracking rule development and implementation for medical monitoring of agricultural workers who handle certain cholinesterase-inhibiting pesticides is expressed.
- The Department of Labor and Industries and stakeholders representing agricultural employers and employees must report to the appropriate legislative committees on the status of rule development and implementation.

## **SSB 5891: IDENTIFYING LIVESTOCK**

*Prime Sponsor: Senator Swecker*

- The livestock identification, public livestock market, and certified feed lot statutes are updated.
- The fees that fund the livestock identification program are increased to provide funding for the services provided by the program.
- The current livestock identification system is to be reviewed in light of the new federal country of origin labeling requirements, the need for an emergency animal disease trace-back capability, and to respond to food safety issues.

## **SJM 8015: PETITIONING CONGRESS TO ADOPT PROCEDURES FOR SELLING WHEAT RESERVES THAT PRESERVE THE INTEGRITY OF THE MARKET**

*Prime Sponsor: Senator Sheahan*

- Petition Congress and the President of the United States to establish new federal procedures on future sales of wheat stocks from federally held grain reserves to be conducted in a manner that will not unduly disrupt the wheat market.

**SHB 1100: REGULATING THE SALE, PROCESSING, OR PURCHASE OF AGRICULTURAL PRODUCTS**

*Prime Sponsor: Representative Linville*

*(SB 5196 Senator Swecker)*

- Certain commission merchant act definitions are clarified; provisions regarding bonding requirements, distribution of bond proceeds, record-keeping, and payments are revised; and monetary penalties for violations of commission merchant laws are increased.
- The Department of Agriculture is expressly authorized to seek search warrants in certain circumstances, and the department's authority to stop vehicles carrying agricultural products is expanded, with certain conditions.
- With the assistance of stakeholders, the department is required to evaluate methods, including indemnity fund establishment, to supplement or replace current seed-related bonding requirements in order to reduce the risk of non-payment and/or increase the likelihood of financial recovery to seed producers should seed company bankruptcies occur.

**HB 1101: FORWARDING GRAIN WHEN AN EMERGENCY STORAGE SITUATION EXISTS**

*Prime Sponsor: Representative Schoesler*

*(SB 5195 Senator Swecker)*

*\* Signed by the Governor*

- Removes the current 30 day time limit on the ability of a state licensed grain warehouse to forward grain to another warehouse during a grain storage emergency without having to issue a new warehouse certificate.
- Retains the requirements that the Department of Agriculture authorize the transfer based on a determination that a grain storage emergency exists and that the transfer must comply with conditions established by rule.

**HB 1117: MOVING A WEB SITE ADDRESS FROM STATUTE TO RULE**

*Prime Sponsor: Representative Linville*

*(SB 5197 Senator Swecker)*

*\* Signed by the Governor*

- Commercial fertilizer labeling requirements are amended to authorize the Department of Agriculture to establish a fertilizer labeling statement by rule.
- The statement established by rule is to refer persons to an internet address that provides data regarding the metals content of commercial fertilizer products.

**HB 1126: ALLOWING SEED TESTING FEES TO INCREASE IN EXCESS OF THE FISCAL GROWTH FACTOR SET OUT IN CHAPTER 43.135 RCW**

*Prime Sponsor: Representative Schoesler*

*(SB 5540 Senator Sheahan)*

- Seed testing fees set by rule of the Department of Agriculture may increase in excess of the fiscal growth factor during the 2003-2005 biennium.
- The authority to increase fees on seeds is null and void if funds from programs supported by fees are transferred to the state general fund.

**SHB 1269: REGULATING STRUCTURAL PEST INSPECTORS**

*Prime Sponsor: Representative Linville*

*(SB 5227 Senator Swecker)*

- Creates a specific structural pest inspector license and requires license applicants to demonstrate knowledge and skills.
- Provides several alternatives for licensees to meet financial responsibility requirements to address claims of economic losses by homeowners from faulty pest inspections.

**HB 1318: ALLOWING THE STATE BOARD OF HEALTH TO CONSIDER THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S FOOD CODE FOR THE PURPOSE OF ADOPTING FOOD SERVICE RULES**

*Prime Sponsor: Representative Darneille*

*(SB 5649 Senator Swecker)*

*\* Signed by the Governor*

- The State Board of Health is to consider the most recent version of the federal Food and Drug Administration's food code when adopting state food service rules.

**HB 1361: INCREASING THE POWERS OF THE STATE AGRICULTURAL COMMODITY COMMISSIONS**

*Prime Sponsor: Representative Linville*

*(SB 5552 Senator Sheahan)*

- Provides authority to commodity commissions to assist in the investigation and control of exotic pests and diseases; to conduct audits to determine whether appropriate assessments have been paid; to acquire intellectual property rights and collect royalties from commission-funded research projects; and to invest its funds as other public entities invest their funds.
- Provides for commodity commissions to submit their plans and programs to the Department of Agriculture for review and approval and to assure that no false claims are made by commission advertising and promotion programs. Increased costs incurred by the department are to be reimbursed by each commission.
- Methods of appointing members of commission boards are altered with increased members to be appointed by the Director of Agriculture.

**E2SHB 1418: REGARDING CONSTRUCTION PROJECTS IN STATE WATERS**

*Prime Sponsor: Representative Quall*

- Establishes a collaborative planning process for developing an inter-tidal salmon enhancement plan in geographic areas for which a limiting factors analysis has shown insufficient inter-tidal salmon habitat exists. Requires an inventory and assessment of opportunities to enhance inter-tidal salmon habitat on public and private lands and the development of a plan that has public support.
- Requires plans to be developed within two years of forming a task force and securing funding. Provides that the process be initiated for Skagit County as soon as is feasible.
- Clarifies that existing statutes administered by the Department of Fish and Wildlife cannot require existing tide gates that are part of an agricultural drainage system to be opened to allow for fish passage.

**HB 1420: ALLOWING SPECIAL DISTRICTS TO PROVIDE DRAINAGE DITCHES AND TIDE GATES**

*Prime Sponsor: Representative Quall*

*(SB 5349 Senator Haugen)*

- Expressly includes drainage ditches, tide gates, and flood gates among the types of works that diking and drainage districts may construct, operate and maintain.

**HB 1435: CONCERNING THE FRUIT AND VEGETABLE DISTRICT FUND**

*Prime Sponsor: Representative Armstrong*

*\* Signed by the Governor*

- To provide emergency standby funds in case an apple maggot infestation is discovered in a commercial apple growing region.
- Up to \$200,000 from the fruit and vegetable inspection account is authorized to be used for apple maggot control activities during the upcoming biennium.

**ESHB 1754: CONCERNING THE SLAUGHTER, PREPARATION, AND SALE OF CERTAIN POULTRY**

*Prime Sponsor: Representative Eickmeyer*

- A special, temporary permit is required under the state's Food Processing Act for the slaughter, preparation, and on-farm-producer-to-consumer sale of 1,000 or fewer pastured whole raw chickens in a calendar year. The fee for the permit is \$75.
- The Washington State Department of Agriculture (WSDA) must adopt permit rules that are generally patterned after State Board of Health rules for temporary food service establishments.
- The economic constraints of regulated producers must be considered, and the WSDA must conduct inspections that are reasonably necessary to ensure permit compliance.



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# CHILDREN & FAMILY SERVICES & CORRECTIONS

786-7407

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**SSB 5133: ADOPTING THE REVISED INTERSTATE COMPACT FOR JUVENILES**

*Prime Sponsor: Senator Carlson*

*(HB 1148 Representative Dickerson)*

- The Interstate Compact on Juveniles allows states to cooperate in the supervision of juvenile offenders residing in states other than the original state of adjudication, and for the return of juveniles who have run away or escaped across state lines. Adopting the compact makes Washington a compacting state and a voting member of the Interstate Commission.

**SSB 5217: MAKING TECHNICAL, CLARIFYING, AND NONSUBSTANTIVE AMENDMENTS TO CHAPTER 12, LAWS OF 2001, 2ND SPECIAL SESSION**

*Prime Sponsor: Senator Stevens*

- \* *The provisions of SSB 5217 were incorporated into the provisions of SSB 5749 and ESB 5991.*
- \* *All provisions are technical and do not change the substance of either bill into which they were incorporated.*

**ESSB 5223: AUTHORIZING MENTAL HEALTH ADVANCE DIRECTIVES**

*Prime Sponsor: Senator Keiser*

*(HB 1041 Representative Lantz)*

- Authorizes the creation of mental health advance directives and sets the requirements for validity, use, provider responsibilities, and revocation.

**ESB 5379: REVISING RULES FOR PUBLIC ACCESS TO DEPENDENCY HEARINGS**

*Prime Sponsor: Senator Stevens*

- Dependency hearings are open to the public unless a judge determines that it would be in the best interest of the child to close the hearing. Other conditions relating to dependency hearings are specified.

**SB 5410: REVISING INFORMATION AVAILABLE ON THE STATEWIDE REGISTERED SEX OFFENDER WEB SITE**

*Prime Sponsor: Senator Stevens*

- Information on Level II sex offenders, as allowed by law, is included on the web site. The Washington Association of Sheriffs and Police Chiefs is permitted to use funding from federal, state, or private sources to operate the web site.

**SB 5532: REQUIRING ADDITIONAL PERSONAL HISTORY INFORMATION FROM CUSTOMERS OF INTERNATIONAL MATCHMAKING ORGANIZATIONS**

*Prime Sponsor: Senator Kohl-Welles*

- \* *S HB 5532 is incorporated in its entirety into HB 1826.*

**SSB 5550: PROHIBITING SECURE COMMUNITY TRANSITION FACILITIES FROM BEING SITED NEAR PUBLIC AND PRIVATE YOUTH CAMPS**

*Prime Sponsor: Senator West*

*(HB 1099 Representative O'Brien)*

*\* Signed by the Governor*

- Adds public and private youth camps to the definition of "risk potential facilities and activities."
- Secure community transition facilities may not be located within the direct proximity to risk potential facilities and activities.
- Applies prospectively only and does not require cities and counties to amend their development regulations.

**SSB 5596: REQUIRING THAT CUSTODIAL ASSAULTS AT JUVENILE REHABILITATION FACILITIES AND INSTITUTIONS BE REPORTED TO LAW ENFORCEMENT**

*Prime Sponsor: Senator Stevens*

*(HB 1710 Representative Upthegrove)*

- The Juvenile Rehabilitation Administration must develop uniform policies on custodial assaults and report them consistent with these policies.

**SSB 5686: ESTABLISHING A FORMULA FOR DEDUCTIONS FROM WORKERS' COMPENSATION BENEFITS OF INMATES AND PROVIDING FOR BENEFITS TO BE SENT TO DEPARTMENT OF CORRECTIONS**

*Prime Sponsor: Senator Keiser*

*\* SSB 5686 was incorporated in its entirety into ESSB 5990.*

**SSB 5749: REVISING PROCEDURES FOR HEARINGS CONCERNING VIOLATIONS BY SEX OFFENDERS OF POSTRELEASE CONDITIONS**

*Prime Sponsor: Senator Hargrove*

*(HB 1860 Representative O'Brien)*

- Changes the time-frame for violation hearings to 30 days and requires a probable cause determination within 48 hours.
- An offender has the right to an attorney for a violation hearing only if revocation of community custody is "probable," but no offender's community custody can be revoked if the offender was not allowed to have an attorney.

*\* Technical, nonsubstantive provisions of SSB 5217 are incorporated into SSB 5749.*

**ESSB 5779: PRESERVING SIBLING RELATIONSHIPS FOR DEPENDENT CHILDREN**

*Prime Sponsor: Senator Stevens*

- When ordering a child removed from the home in a dependency proceeding, the court presumes that placement, contact or visits with siblings who are also placed out of the home is in the best interest of the child unless the child's health, safety or welfare would be jeopardized.
- Once a termination petition is filed, reasonable efforts to ensure sibling visitation must be made unless it is not in the best interest of the child or siblings.

**SSB 5780: REVISING METHOD FOR MAKING DISTRIBUTIONS UNDER THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

*Prime Sponsor: Senator Stevens*

*(HB 1711 Representative O'Brien)*

*\* Signed by the Governor*

- Removes the requirement for a funding request from cities to the Office of Community, Trade and Economic Development (CTED) in order to receive funds from the municipal criminal justice assistance account.

**SSB 5811: REQUIRING GREATER OPPORTUNITIES FOR INVOLVEMENT OF BIRTH FAMILIES IN FOSTER CARE**

*Prime Sponsor: Senator Hargrove*

- Positive contact between a child's birth family and foster family is encouraged.

**ESSB 5903: PROVIDING ADDITIONAL SENTENCING ALTERNATIVES FOR JUVENILE OFFENDERS**

*Prime Sponsor: Senator Hargrove*

- Two juvenile sentencing alternatives are created: a suspended disposition alternative, and a mental health disposition alternative.
- A community commitment disposition alternative is created as a pilot project.

**SB 5970: REQUIRING THAT THE FAMILY LAW HANDBOOK BE PROVIDED WHEN A PERSON APPLIES FOR A MARRIAGE LICENSE**

*Prime Sponsor: Senator Hargrove*

- The family law handbook is given to the individual who applies for a marriage license under RCW 26.04.140.

**ESSB 5990: CHANGING TIMES AND SUPERVISION STANDARDS FOR RELEASE OF OFFENDERS**

*Prime Sponsor: Senator Hargrove*

- Low risk offenders serving terms for an unclassified offense or a drug offense in a Department of Corrections (DOC) facility whose criminal history does not include an excluded offense may earn up to 50 percent earned release time.
- DOC must supervise all offenders classified as a high risk to reoffend and may only supervise an offender classified as a low or moderate risk to reoffend if the offender has a criminal history that fits the statutory criteria.

*\* ESSB 6002 is incorporated in its entirety into ESSB 5990, as described below.*

- The office of the administrator of the courts shall bill offenders with outstanding court-ordered legal financial obligations and the county clerks have the authority to collect these obligations unless the offender is under active supervision by DOC.

\* *SSB 5686 is incorporated in its entirety into ESSB 5990, as described below.*

- DOC shall make the statutory deductions from any workers' compensation benefit received by an offender, including deductions for any court ordered restitution, up to the full amount of the workers' compensation benefit.
- DOC may not make statutory deductions from the account of any inmate whose account balance is below \$10.

**ESB 5991: CHANGING MINIMUM REQUIREMENTS FOR THE EXISTING SECURE COMMUNITY TRANSITION FACILITY**

*Prime Sponsor: Senator Stevens*

- Changes the staffing and security requirements for the secure community transition facility on McNeil Island.
- The McNeil Island emergency response team must plan, coordinate, and respond to an escape from the Special Commitment Center and the secure community transition facility on the island.
  - \* *Technical provisions of SSB 5217 relating to the secure community transition facility on McNeil Island are included.*

**ESSB 6002: CHANGING PROVISIONS RELATING TO COLLECTION OF FINANCIAL OBLIGATIONS**

*Prime Sponsor: Senator Stevens*

\* *ESSB 6002 is incorporated in its entirety into ESSB 5990.*

**ESHB 1009: PROHIBITING SALE OF VIOLENT COMPUTER AND VIDEO GAMES TO MINORS**

*Prime Sponsor: Representative Dickerson*

- It is a Class I civil infraction for a retailer to sell, rent, or permit to be sold or rented, a video or computer game they know to be violent to a minor under the age of 17. This Class I civil infraction is punishable by a fine of \$500.

**EHB 1010: CHANGING PROVISIONS RELATING TO DISCHARGE OF A MINOR FROM A MENTAL HEALTH FACILITY**

*Prime Sponsor: Representative Dickerson*

- When a minor, age 13 or older, admits himself or herself to inpatient mental health treatment and subsequently requests discharge, the facility must discharge the minor within two judicial days.

**SHB 1028: STUDYING PROGRAMS FOR AT-RISK YOUTH INTERVENTION**

*Prime Sponsor: Representative Dickerson*

- The Joint Legislative Audit and Review Committee (JLARC) must review and analyze research that identifies programs that can be implemented by local jurisdictions, are cost beneficial, and are effective at preserving families and reducing juvenile crime.
- JLARC must also develop and report options regarding financial and other incentives that encourage local government investment in community based research, and proven preventative and early intervention programs that reduce juvenile crime and preserve families.

**SHB 1058: ADDRESSING EDUCATIONAL ATTAINMENT FOR FOSTER CHILDREN**

*Prime Sponsor: Representative Kagi*

- Whenever practical and in the best interest of the child, children placed in foster care are to remain enrolled in the school they were attending at the time they entered foster care.

**EHB 1090: EXTENDING THE TASK FORCE AGAINST TRAFFICKING OF PERSONS**

*Prime Sponsor: Representative Veloria*

- The task force against trafficking of persons is extended through June, 2004, and will file a supplemental report to evaluate the state's progress in prevention of trafficking, identify programs for victims of trafficking and recommend support.

**SHB 1175: MAKING IT A CRIME TO TRAFFIC IN PERSONS**

*Prime Sponsor: Representative Veloria*

- The crime of trafficking in persons is created. Trafficking is included in the description of criminal profiteering.
- The criminal profiteering provision is similar to that contained in SB 5631. (SB 6531 heard in Judiciary but did not pass).

**SHB 1233: IMPROVING SERVICES FOR KINSHIP CAREGIVERS**

*Prime Sponsor: Representative Pettigrew*

- The Department of Social and Health Services (DSHS) must implement strategies to increase the number of children placed with relatives when out-of-home placement is required.
- DSHS must develop a grant proposal to establish kinship care navigator pilot projects.

**HB 1391: ADJUSTING PROCEDURES FOR POSTCONVICTION DNA TESTING**

*Prime Sponsor: Representative Kagi*

*(SB 5723 Senator Haugen)*

- When a felon submits a request for DNA testing to the Office of Public Defense (OPD), OPD then passes the request on to the county prosecutor, if the decision of the county prosecutor is to refuse a felon's request for DNA testing, then the county prosecutor must inform the felon of his or her appeal rights.

**EHB 1561: ELIMINATING CERTAIN DEPARTMENT OF SOCIAL AND HEALTH SERVICES' REPORTING REQUIREMENTS**

*Prime Sponsor: Representative Orcutt*

*(SB 5618 Senator Stevens)*

- The Department of Social and Health Services is relieved of the duty to file numerous annual reports.

**SHB 1571: ENHANCING ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS**

*Prime Sponsor: Representative Holmquist*

- The Department of Corrections must deduct 15 percent from gratuities earned by an inmate working in a correctional facility work program for any child support owed.

**SHB 1609: REQUIRING A PLAN TO ESTABLISH PILOT REGIONAL CORRECTIONAL FACILITIES**

*Prime Sponsor: Representative O'Brien*

*(SB 5588 Senator Kline)*

- The Sentencing Guidelines Commission must submit a plan to the Legislature by December 31, 2003, for establishing pilot regional correctional facilities.

**HB 1612: REQUIRING NOTIFICATION TO PARENTS OF MENTAL HEALTH TREATMENT OPTIONS FOR A MINOR CHILD**

*Prime Sponsor: Representative Hinkle*

- Evaluation and treatment centers must provide parents seeking to admit a minor child with oral and written information about the statutorily available treatment options and the procedures for accessing those options.

**HB 1635: REVISING REPORTING REQUIREMENTS FOR INCOME AND RESOURCES UNDER THE PUBLIC ASSISTANCE PROGRAM**

*Prime Sponsor: Representative Pettigrew*

*(SB 5619 Senator Stevens)*

- Requires public assistance recipients to report income that would make them ineligible to receive benefits. The Department of Social and Health Services (DSHS) is to determine eligibility within ten days of receiving the information from the public assistance recipient. DSHS is required to develop reporting rules consistent with federal law.

**HB 1712: REVISING PROVISIONS RELATING TO REGISTRATION OF SEX OFFENDERS AND KIDNAPPING OFFENDERS**

*Prime Sponsor: Representative O'Brien*

*(SB 5870 Senator Stevens)*

- Persons required to register as sex or kidnapping offenders must register within ten days of accepting or terminating employment, or of terminating student status, at a public or private institution of higher education.

**HB 1727: PROVIDING THAT NO FEE MAY BE CHARGED FOR DEATH CERTIFICATES OF SEX OFFENDERS SUPPLIED TO LAW ENFORCEMENT AGENCIES**

*Prime Sponsor: Representative O'Brien*

- The Department of Health shall provide law enforcement agencies with death certificates at no charge for the purpose of updating their sex offender data bases.

**2SHB 1784: IMPROVING COORDINATION OF SERVICES FOR CHILDREN'S MENTAL HEALTH**

*Prime Sponsor: Representative Darneille*

- The Department of Social and Health Services must, within available funds, implement the recommendations of the Joint Legislative Audit and Review Committee report on Children's Mental Health and report to the Legislature on the status of the implementation by June 1, 2004, with a final report by June 1, 2006.

**SESHB 1787: ESTABLISHING A 211 NETWORK**

*Prime Sponsor: Representative Pettigrew*

*(SB 5692 Senator Carlson)*

- The Department of Social and Health Services and the Washington Information Network 2-1-1 (WIN 2-1-1) will establish and maintain a network consisting of call centers and a statewide resource data base to provide a more efficient, cost-effective, and simple way of providing people with information about government services.

**SHB 1826: INCLUDING TRAFFICKING IN PERSONS IN THE CRIMINAL PROFITEERING LAW**

*Prime Sponsor: Representative Veloria*

*\* SB 5532 is incorporated in its entirety into SHB 1826, as described below.*

- Washington customers of international matchmaking organizations are required to provide personal history information relating to marital status, child abuse and protection orders to recruits who use their services.

**2SHB 1841: ESTABLISHING FUNDING CRITERIA FOR PREVENTION AND EARLY INTERVENTION SERVICES**

*Prime Sponsor: Representative Kagi*

- The Department of Social and Health Services is required to identify and incorporate criteria for funding state operated or contracted prevention and early intervention programs in the Children's Administration.

**HB 1855: CLARIFYING LICENSED INDEPENDENT CLINICAL SOCIAL WORKER EDUCATION AND EXPERIENCE REQUIREMENTS**

*Prime Sponsor: Representative Dickerson*

- Persons supervising the experience requirement for "licensed independent clinical social workers" must be licensed independent clinical social workers with at least five years experience at that level and have at least one year experience supervising clinical social work.

**HB 1878: PROVIDING THE COURTS ACCESS TO INFORMATION IN THIRD-PARTY CUSTODY PETITIONS**

*Prime Sponsor: Representative Dickerson*

- Individuals who file a third party custody petition are to undergo a criminal background check along with other adults in the home and provide the results to the court.
- The Department of Social and Health Services may release certain information to the court.
  - \* SHB 2000 is incorporated in its entirety into HB 1878, as described below.*
- Every petition must state whether or not the child involved is an Indian child.

**HB 1980: CHANGING WORK ACTIVITY PROVISIONS UNDER THE TANF PROGRAM**

*Prime Sponsor: Representative Boldt*

- Requires the Department of Social and Health Services to assess Temporary Assistance for Needy Families (TANF) recipients for barriers to employment before they are referred to job search. Upon referral to job search, recipients will receive a job skills assessment.

**SHB 2000: CHANGING PROVISIONS PERTAINING TO THIRD-PARTY CUSTODY  
PROCEEDINGS INVOLVING THE INDIAN CHILD WELFARE ACT**

*Prime Sponsor: Representative Pettigrew*

*\* SHB 2000 is incorporated in its entirety into HB 1878.*

**HJM 4012: ENCOURAGING COUNTIES AND LOCAL GOVERNMENTS TO ESTABLISH A  
CHILDREN'S ADVOCACY CENTER**

*Prime Sponsor: Representative Miloscia*

- The Senate and the House of Representatives encourage counties, local governments and the Department of Social and Health Services to establish and administer Children's Advocacy Centers, which are members of the National Children's Alliance, to improve outcomes for child victims of sexual abuse.



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# COMMERCE & TRADE

786-7426

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**SSB 5051: REMOVING THE SALE OF STRONG BEER FROM THE EXCLUSIVE JURISDICTION OF THE LIQUOR CONTROL BOARD**

*Prime Sponsor: Senator Jacobsen*

- Strong beer is beer that exceeds eight percent alcohol by weight.
- Strong beer may be sold by restaurants, taverns, private clubs, grocery stores, and specialty shop license holders.
- If the Liquor Control Board finds that the sale of strong beer is against the public interest, it may restrict a specialty shop or grocery store license holder to selling only beer and table wine.

**SB 5065: MODIFYING WHEN A GEOLOGIST LICENSE MAY BE OBTAINED WITHOUT A WRITTEN EXAM**

*Prime Sponsor: Senator Swecker*

- Applicants who apply for geologist licensure before July 1, 2003, and who meet specified criteria are not required to take a written examination.
- The state, counties and cities are permitted to use either soil scientists or licensed geologists to perform geology work until July 1, 2005.

**SB 5167: MODIFYING TRUST ACCOUNT PROVISIONS FOR SELLERS OF TRAVEL**

*Prime Sponsor: Senator Regala*

*\* Signed by the Governor*

- The amount of the bond required for sellers of travel is based upon the gross income of business conducted for Washington State residents in the previous year, instead of upon the total business conducted in the previous year.

**ESSB 5178: CREATING THE LEGISLATIVE INTERNATIONAL TRADE ACCOUNT**

*Prime Sponsor: Senator Hewitt*

*(HB 1167 Representative Veloria)*

- The Legislative International Trade Account is created in the custody of the State Treasurer.
- Expenditures from the account may only be used for international trade hosting and trade mission activities.
- When soliciting donations solely for the Legislative International Trade Account, the Lieutenant Governor, state officers, and state employees are presumed to not be in violation of ethics laws regarding solicitations and gifts.

**ESB 5210: MODIFYING ELECTRICIAN CERTIFICATION PROVISIONS**

*Prime Sponsor: Senator Honeyford*

*(HB 1358 Representative O'Brien)*

- To be certified as a restricted nonresidential maintenance specialty electrician, an individual must complete 2,000 hours of work experience.

- The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits, but excludes the replacement or repair of circuit breakers.

**SSB 5265: ALLOWING LIMITED MARKETING OF BOTTLED WINE AT FARMERS MARKETS**

*Prime Sponsor: Senator Thibaudeau*

*(SHB 1459 Representative Pettigrew)*

**\* Signed by the Governor**

- Domestic wineries may apply to the liquor control board for an endorsement to sell bottled wine at a farmers market.
- Before wine is sold at a farmers market, both the winery and the farmers market must receive authorization from the liquor control board.
- No tasting or sampling of wine may occur at farmers market locations, and wineries may not act as distributors from farmers markets.

**SSB 5290: AUTHORIZING THE HORSE RACING COMMISSION TO CONTINUE RECEIVING CRIMINAL HISTORY INFORMATION**

*Prime Sponsor: Senator West*

*(HB 1276 Representative Cody)*

**\* Signed by the Governor**

- In 2000, the Legislature authorized the Horse Racing Commission to receive both conviction and non-conviction criminal history data as part of its license application review process.
- The authorization was set to expire June 30, 2003. This bill repeals the expiration provision.

**SSB 5407: REGULATING MOTORSPORTS VEHICLE DEALER FRANCHISES**

*Prime Sponsor: Senator Horn*

- The law regulating franchise relationships between motorsports vehicle manufacturers and dealers is amended to address issues such as warranty reimbursement procedures, transfers of the ownership of dealerships, and when dealerships representing the same manufacturer may be located within a designated "relevant market area."
- Motorsports vehicles are defined to include motorcycles, mopeds, personal watercraft, snowmobiles, four-wheel all-terrain vehicles, and other vehicles as may be defined by the Department of Licensing.

**SSB 5434: CONCERNING CERTIFIED ELECTRICIANS**

*Prime Sponsor: Senator Swecker*

- Certified electricians and properly supervised electrical trainees do not have to obtain electrical contractors' licenses to perform a limited amount of volunteer electrical work for tax-exempt or religious nonprofit corporations.

**SB 5512: INCLUDING NONPROFITS IN THE SMALL BUSINESS ECONOMIC IMPACT STATEMENT REQUIREMENT**

*Prime Sponsor: Senator Honeyford*

*(HB 1492 Representative Conway)*

- Requires state agencies to consider the impact of proposed rules on entities with fewer than fifty employees, regardless of whether the entities are organized for profit or not-for-profit.

**SB 5515: ALLOWING JUDICIAL MEMBERS ON THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

*Prime Sponsor: Senator Johnson*

*(HB 1483 Representative Lantz)*

- Allows Washington State Bar Association members with "judicial" status to be industrial insurance appeals judges and the Chair of the Board of Industrial Insurance Appeals.

**ESB 5560: REGARDING THE SALE OF LIQUOR ON GROUNDS OF INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Senator Honeyford*

*(HB 1647 Representative Conway)*

*\* Signed by the Governor*

- The prohibition on alcohol sales at the University of Washington is repealed.
- If an institution of higher education chooses to allow the sale of alcoholic beverages on campus, the Legislature encourages the institution to feature products produced in the state of Washington.

**ESSB 5713: CONCERNING ELECTRICAL WORK**

*Prime Sponsor: Senator Honeyford*

- Electrical and plumbing work that is "incidental" to other plumbing and electrical work, other "basic electrical work," and residential appliance repair work is exempt from licensing requirements. A joint legislative task force is created to review requirements relating to appliance repair work and report to the Legislature by December 1, 2003.
- Regulations on maintenance of electrical controls of boilers are suspended until July 1, 2004. The Electrical Board and the Board of Boiler rules must jointly evaluate whether those regulations should apply to such work and report to the Legislature by December 1, 2003.
- An electrical equipment repair specialty classification is authorized, and training requirements for plumbers are modified to include electrical safety topics.

**SB 5726: REVISING ELIGIBILITY REQUIREMENTS FOR DIRECTORS OF COOPERATIVE ASSOCIATIONS**

*Prime Sponsor: Senator Morton*

*(HB 1772 Representative Hunt)*

- Allows members of a cooperative association to elect to the association's board of directors persons who are not members of the association.

**SSB 5933: AUTHORIZING CIGARETTE TAX CONTRACTS BETWEEN THE STATE AND ADDITIONAL INDIAN TRIBES**

*Prime Sponsor: Senator Hargrove*

*(SHB 2036 Representative Buck)*

- Authorizes the Governor to negotiate and enter into cigarette tax contracts with the Quileute Tribe, the Samish Indian Nation, and the Kalispel Tribe. Similar authority currently exists with respect to 18 of the 29 federally recognized Indian tribes in Washington.

**ESSB 5942: CONCERNING LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS AND CONTRACTORS**

*Prime Sponsor: Senator Reardon*

- Employees who maintain elevators and other conveyances not used by the public at certain agricultural, industrial, or manufacturing facilities are exempt from the requirement to be licensed as elevator mechanics.
- Alternative licensing requirements are established for mechanics who install or maintain "material lifts," or who have performed elevator construction or maintenance for at least the last 3 years.
- Mechanics who maintain conveyances in owner-occupied private residences are exempt from licensing requirements until July 1, 2004. The elevator safety advisory committee must review those requirements and report to the Legislature by January 1, 2004.

**SB 5994: REMOVING SUPPLIERS AND DISTRIBUTORS OF WINE FROM THE PROVISIONS OF CHAPTER 19.126 RCW**

*Prime Sponsor: Senator Hewitt*

\* *Signed by the Governor*

- Chapter 19.126 RCW regulates the conduct between suppliers and distributors of beer and wine.
- Provisions regarding wine suppliers and distributors are deleted from Chapter 19.126 RCW.

**SSB 5995: REGARDING COLLECTIVE BARGAINING AGREEMENTS IN THE CONSTRUCTION TRADES**

*Prime Sponsor: Senator Honeyford*

- Collective bargaining agreements for construction trades employees may supersede rules adopted under the Industrial Welfare Act regarding meal and rest periods.
- The collective bargaining agreement must be negotiated under the National Labor Relations Act.

**SSCR 8402: ENCOURAGING LEGISLATOR TRADE MISSION PARTICIPATION**

*Prime Sponsor: Senator Shin*

- Establishes an order of precedence for participants on trade missions.
- At least one legislator from each chamber of the Legislature may participate in trade missions.
- Whenever possible, legislators possessing expertise relevant to trade missions are encouraged to participate in these missions.

**SHB 1059: CREATING A JOINT COMMITTEE ON TRADE POLICY**

*Prime Sponsor: Representative Veloria*

*(SB 5549 Senator Prentice)*

- A joint legislative oversight committee on trade policy is created.
- The committee's duties include: hearing public testimony on the impacts of international trade agreements and negotiations on Washington State, actively communicating with the State Trade Representative and Washington's congressional delegation on trade policy issues, and conducting an annual assessment of the impacts of international trade agreements on Washington law.

- The committee must submit an annual report to the Legislature on its assessment of the impacts of international trade agreements on Washington law.

**SHB 1173: REVISING PROVISIONS FOR THE OFFICE OF THE WASHINGTON STATE TRADE REPRESENTATIVE**

*Prime Sponsor: Representative Veloria*

- The Office of the State Trade Representative must serve as a liaison to the Legislature on matters of trade policy oversight.
- The office must prepare and submit an annual report on its activities to the Governor and to appropriate committees of the Legislature.
- The office must work with state agencies to review and analyze international trade agreements.

**EHB 1395: CONCERNING THE CATERING OF ALCOHOLIC BEVERAGES AT EVENTS BY NONPROFIT ORGANIZATIONS**

*Prime Sponsor: Representative Sullivan*

*(SB 5263 Senator Honeyford)*

- Clarifies that if liquor is sold by a caterer at an event that is "open to the public," the event sponsor must qualify under RCW 66.24.375 as a nonprofit "society or organization." An event sponsor is not required to be a "society or organization" if the event is limited to members or invited guests of the sponsor.

**SHB 1445: REGULATING MOTOR VEHICLE MANUFACTURER AND DEALER RELATIONSHIPS**

*Prime Sponsor: Representative Conway*

*(SB 5459 Senator Honeyford)*

*\* Signed by the Governor*

- The Manufacturers and Dealers Franchise Agreements law, RCW 46.96, is amended to clarify duties and responsibilities of the parties to new car franchises.
- Issues such as warranty and incentive program reimbursement procedures, transfers of dealer ownerships, and when a dealer can represent more than one line of cars are clarified.

**SHB 1494: ALLOWING STATE AND LOCAL GOVERNMENTS TO SELL AND LEASE PERSONAL PROPERTY TO FOREIGN ENTITIES**

*Prime Sponsor: Representative Delvin*

- The state, any municipality, or political subdivision of the state, may sell, transfer, exchange, lease, or dispose of personal property, except weapons, to a foreign entity.

**SHB 1495: CHANGING PROVISIONS RELATING TO THE SUMMARY SUSPENSION OF A LIQUOR LICENSE PENDING REVOCATION PROCEEDINGS**

*Prime Sponsor: Representative Hudgins*

*(SB 5302 Senator Honeyford)*

- The Liquor Control Board may summarily suspend a license or permit for up to 180 days without a prior hearing if it finds that public health, safety, or welfare require emergency action.
- The board's enforcement division must complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board.

**HB 1631: REGULATING FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS**

*Prime Sponsor: Representative McCoy*

*\* Signed by the Governor*

- The State Director of Fire Protection must define what constitutes an infraction of the laws governing fire protection sprinkler system contractors that does not warrant revocation of a contractor's license. The Director must also establish and impose civil penalties that are appropriate for the seriousness of infractions.

**HB 1637: PROMOTING EDUCATION ON COMPULSIVE GAMBLING**

*Prime Sponsor: Representative Wood*

*(SB 5613 Senator Honeyford)*

*\* Signed by the Governor*

- Authorizes the Lottery, Gambling, and Horse Racing Commissions to contract with "qualified entities to provide public awareness, training and other services" relating to problem gambling.

**SHB 1738: PROVIDING FOR RECOUPMENT OF STATE EMPLOYEE SALARY AND WAGE OVERPAYMENTS**

*Prime Sponsor: Representative Haigh*

*(SB 5767 Senator Roach)*

*\* Signed by the Governor*

- Authorizes the state of Washington to collect overpayments of wages.
- Establishes a specific process for recovering and reviewing wage overpayments.

**SHB 1832: CORRECTING RATE CLASS 16 IN SCHEDULE B BY AMENDING RCW 50.29.025 AND MAKING NO OTHER CHANGES**

*Prime Sponsor: Representative Conway*

*(SB 5765 Senator Honeyford)*

*\* Signed by the Governor*

- The clerical error in rate class 16 in Schedule B of employer contribution rates is corrected from 3.69 to 3.42 for rate years beginning on or after January 1, 2003.

**SHB 1848: EXEMPTING THE INSTALLATION, MAINTENANCE, AND REPAIR OF CERTAIN MEDICAL DEVICES FROM ELECTRICIAN LICENSING REQUIREMENTS**

*Prime Sponsor: Representative Conway*

*\* Signed by the Governor*

- FDA-approved medical devices are exempt from electrical licensing, certification, permitting and inspections.
- The work must be performed by factory engineers or third-party service companies who are qualified to perform the work.
- The exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways.

**SHB 1930: ENACTING PROCEDURAL ENHANCEMENTS TO THE MASTER SETTLEMENT AGREEMENT**

*Prime Sponsor: Representative Morris*

*(SB 5852 Senator Honeyford)*

**\* Signed by the Governor**

- The Attorney General is given additional tools to enforce the statute implementing the "master settlement agreement" that was signed in 1998 by the state and leading tobacco companies.

**SHB 1943: MODIFYING CIGARETTE REGULATORY PROVISIONS**

*Prime Sponsor: Representative McIntire*

- Cigarette retailers may acquire cigarettes for resale from only licensed cigarette wholesalers.
- Only licensed cigarette wholesalers are allowed to possess cigarette tax stamps.
- Cigarette counterfeiting is a Class C felony.

**SHB 2118: AUTHORIZING APPROVED MICROBREWERS TO SELL BEER AT FARMERS MARKETS**

*Prime Sponsor: Representative Newhouse*

*(SB 6005 Senator Kohl-Welles)*

- Microbreweries may apply to the Liquor Control Board for an endorsement to sell bottled beer at farmers markets.
- Before beer is sold at a farmers market, both the brewery and the farmers market must receive authorization from the Liquor Control Board.
- No tasting or sampling of beer may occur at farmers market locations.

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# ECONOMIC DEVELOPMENT

786-7747

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**SB 5363: PROVIDING AN ONGOING FUNDING SOURCE FOR THE COMMUNITY  
ECONOMIC REVITALIZATION BOARD'S FINANCIAL ASSISTANCE PROGRAMS**

*Prime Sponsor: Senator Hale*

*(HB 1032 Representative Veloria)*

- The Community Economic Revitalization Board (CERB) provides financing for public infrastructure. The Legislature has provided funding for CERB financing from a variety of sources.
- The interest earnings attributable to the Public Works Trust Fund's treasury account (the Public Works Assistance Account) is placed in the CERB account. This will amount to approximately \$900,000 per year.

**SB 5662: CLARIFYING COMMUNITY ECONOMIC REVITALIZATION BOARD  
MEMBERSHIP PROVISIONS**

*Prime Sponsor: Senator Hale*

- Of the four legislative members serving on the Community Economic Revitalization Board, one member will come from each of the two major caucuses of the House of Representatives and the Senate. Legislative members may designate another legislator to attend board meetings in their place as long as that designated member belongs to the same political party caucus.

**2SSB 5694: CREATING A PILOT PROJECT TO DEVELOP AN INTEGRATED  
ENVIRONMENTAL PERMIT SYSTEM**

*Prime Sponsor: Senator Swecker*

- By December 1, 2005, the Office of Permit Assistance must develop: (1) a guide for creating a unified project decision support document for state and federal agencies and local governments; (2) recommendations for an integrated permit system to integrate project design, review, permitting, and mitigation; recommendations for legislative changes needed to establish the system; and recommendations for full-scale testing of the system through a pilot project.
- Meeting the requirements to develop a guide and recommendations is done through a pilot project of economic development significance. The office must submit reports on its efforts on December 1, 2003, and December 1, 2005.

**SB 5725: PROVIDING TAX INCENTIVES TO SUPPORT THE STATE'S SEMICONDUCTOR  
CLUSTER**

*Prime Sponsor: Senator Zarelli*

*(HB 1751 Representative Fromhold)*

- Tax incentives for the semiconductor cluster industry are created, accompanied by reporting requirements.
- Eligibility for the tax incentives is determined by the Department of Revenue. The tax incentives last for twelve years, except for the business and occupation (B&O) tax exemption, which lasts for nine years.
- The B&O tax rate for manufacturers of semiconductor materials is lowered to .275 percent.



**SSB 5761: MODIFYING REQUIREMENTS FOR INDUSTRIAL PROJECTS OF STATEWIDE SIGNIFICANCE**

*Prime Sponsor: Senator T. Sheldon*

*\* Signed by the Governor*

- An industrial project of statewide significance, formerly determined by investment amounts, may now be a project with projected employment positions of fifty or greater in rural counties or one hundred or greater in urban counties. An application for designation as an industrial project of statewide significance must be submitted to the Department of Community, Trade and Economic Development. The application must include a letter of approval from jurisdictions where a project is located.
- Counties and cities with projects are to enter into agreements with the Office of Permit Assistance and project managers of industrial projects of statewide significance in order to expedite the processes necessary for the design and construction of projects.
- The Office of Permit Assistance is to provide facilitation and coordination services to industrial projects of statewide significance.

**SB 5827: CREATING THE WASHINGTON STATE TOURISM CENTER**

*Prime Sponsor: Senator Shin*

*\* A portion of SB 5827 is incorporated into 2SHB 1973.*

**SSB 5996: CREATING A COMMITTEE TO HOST THE 2005 NCSL CONFERENCE**

*Prime Sponsor: Senator West*

- The 2005 National Conference of State Legislatures Host Committee is established. The committee may solicit, accept, and expend funds for hosting the 2005 NCSL convention. The committee is to receive staff and resources from the Senate and the House.
- The 2005 NCSL Host Committee Account is created in the treasurer's office to receive funds for Host Committee activities. The committee and the account expire at the end of 2005.
- Gifts, grants, and other transfers of real and/or personal property may be solicited and accepted for purposes of hosting a government conference, without regard to the \$50 limitation on acceptance of gifts by state officers and employees.

**HB 1179: RENAMING THE LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT THE LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERNATIONAL RELATIONS**

*Prime Sponsor: Representative Veloria*

*(SB 5180 Senator Hewitt)*

- The name of the Legislative Committee on Economic Development is changed to the Legislative Committee on Economic Development and International Relations.

**ESHB 1509: ESTABLISHING THE ECONOMIC DEVELOPMENT COMMISSION**

*Prime Sponsor: Representative Skinner*

*(SB 5359 Senator West)*

- The Washington State Economic Development Commission is established to oversee the economic development strategies and policies of the Department of Community, Trade, and Economic

Development (CTED). The commission is to consist of seven to nine members, appointed by the Governor, coming primarily from the private sector and representing the geographic and ethnic diversity of the state.

- The commission must: review and update the state's economic development strategy and performance measures; perform an annual evaluation of the strategy; provide policy direction to CTED; identify policies and programs to assist small businesses; assist CTED with procurement and deployment of private funds; and make a biennial report to the Legislature.
- The director of CTED must work with the commission to develop economic development policies.

## **2SHB 1973: PROMOTING TOURISM**

*Prime Sponsor: Representative Veloria*

- The Department of Community, Trade, and Economic Development (CTED), in cooperation with the Department of Fish and Wildlife, promotes tourism, including nature-based tourism, to national and international markets.  
*\* A portion of SSB 5827 is incorporated into 2SHB 1973, as described below.*
- CTED is allowed to solicit gifts and funds for the purpose of promoting tourism.

## **SHJM 4005: SUPPORTING THE VANCOUVER 2010 OLYMPIC BID**

*Prime Sponsor: Representative Morris*

- The joint memorial communicates to the International Olympic Organizing Committee, the United State Olympic Committee, the Vancouver 2010 Bid Corporation, the Prime Minister of Canada, and the Premier of British Columbia, Washington's support of Vancouver, British Columbia's bid to host the 2010 Winter Olympic and Paralympic Games.

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# EDUCATION

786-7420

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## **SSB 5105: ENSURING THE QUALITY AND AVAILABILITY OF EDUCATIONAL INTERPRETERS**

*Prime Sponsor: Senator Fraser*

- By November 30, 2004, the Office of the Superintendent of Public Instruction must consult with educators, parents, special education organizations and other relevant organizations and then report to the Governor, the appropriate legislative committees, and the State Board of Education, on the following: (1) a review of state and federal requirements and funding sources for serving the educational needs of deaf and hearing impaired students; and (2) recommendations on several options to increase and maintain the quality and availability of educational interpreters.

## **ESSB 5142: PERMITTING THE CHILDREN OF CERTIFICATED AND CLASSIFIED SCHOOL EMPLOYEES TO ENROLL AT THE SCHOOL WHERE THE EMPLOYEE IS ASSIGNED**

*Prime Sponsor: Senator Carlson*

*(HB 1363 Representative McDermott)*

*\* NOTE: Partial Veto message: The Governor vetoed the reporting requirements in ESSB 5142*

- School districts are required to allow children of a full-time employee to enroll at the school or district where that employee works when the children reside within the state. For transfers between districts, the nonresident school district may reject a transfer request under limited circumstances provided in the bill.

## **SSB 5237: REGULATING THE CATHETERIZATION OF STUDENTS**

*Prime Sponsor: Senator Deccio*

*(HB 1192 Representative Cody)*

- Public school employees, who are not licensed nurses and who have not agreed in writing to perform catheterizations as part of their job description, may file a written letter of refusal to perform catheterizations for students. The letter of refusal may not constitute grounds for dismissal or other adverse action that would affect the employee's contract status.
- Public school districts and private schools must document any training provided to employees that perform catheterizations.
- Public and private school employees who perform health services must have a job description that lists all the health services that the employee may be required to perform.

## **SSB 5240: INCLUDING A CLASSIFIED EMPLOYEE ON THE WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD**

*Prime Sponsor: Senator Zarelli*

*(HB 1193 Representative Quall)*

*\* NOTE: The Governor vetoed SSB 5240 in its entirety. The Senate voted to override the veto. The House has until the end of next session to take action.*

- A para-educator (a classified employee who assists in student instruction) is added to the Professional Educator Standards Board in place of the "public" member.

**SSB 5358: AUTHORIZING ISSUANCE OF HIGH SCHOOL DIPLOMAS TO VETERANS OF THE KOREAN CONFLICT WHO WERE HONORABLY DISCHARGED AND LEFT HIGH SCHOOL BEFORE GRADUATION TO SERVE IN THE KOREAN CONFLICT**

*Prime Sponsor: Senator West*

- School districts may issue high school diplomas to honorably discharged veterans of the Korean conflict who left high school early in order to serve in the conflict.

**SB 5437: ALLOWING ALL PARTIES TO APPEAL FROM ADVERSE DECISIONS OF SCHOOL DISTRICT REGIONAL COMMITTEES**

*Prime Sponsor: Senator Benton*

- The decision of a regional committee, which establishes school district boundaries, may be appealed to the State Board of Education (SBE) when the district boundaries are maintained instead of only when the district boundaries are changed.
- The SBE must change the criteria that a regional committee must use when determining school district boundaries to include student educational opportunities as measured by state-mandated tests, student attendance, graduation rates and dropout rates.
- The percentage of voters necessary to initiate a petition to change school district boundaries is increased from 10 percent to 50 percent plus one of the voters in the affected areas. Additionally, the voters must be active voters.

**SSB 5505: PROVIDING COURSE STUDY OPTIONS FOR PUBLIC HIGH SCHOOLS**

*Prime Sponsor: Senator Carlson*

*(HB 1487 Representative Haigh)*

*\* Signed by the Governor*

- In addition to providing programs for students who plan to attend a baccalaureate institution, all public high schools must provide programs for students who plan to pursue other career or work opportunities.
- The programs may provide exploratory and preparatory opportunities specified in the bill.
- The State Board of Education (SBE) may provide a waiver from the requirements to provide these programs. When considering waiver requests, the SBE must consider the extent to which the school district offered such programs prior to the 2003-04 school year.

**SB 5845: MODIFYING CONTRACTING PROVISIONS FOR SCHOOL DISTRICT CAPITAL DEMONSTRATION PROJECTS**

*Prime Sponsor: Senator Schmidt*

*(HB 1891 Representative Miloscia)*

*\* SB 5845 is incorporated in part into SHB 1788. (Government Operations & Elections bill).*

**SB 6052: CHANGING ALTERNATIVE ROUTE TEACHER CERTIFICATION PROVISIONS**

*Prime Sponsor: Senator Johnson*

- To the extent funds are appropriated, districts may apply for Partnership Grant program funds to provide stipends only for mentors of participants in the alternative route teacher certification program. The mentor's stipend amount is limited to \$500 per intern under the direction of the mentor.

- Alternative Route Conditional Scholarships are made available to all program participants, including route three participants, and the total scholarship amount available is increased from \$4,000 to \$8,000 per participant.

**ESHB 1466: PROMOTING ENVIRONMENTAL, NATURAL SCIENCE, WILDLIFE, FORESTRY, AND AGRICULTURAL EDUCATION**

*Prime Sponsor: Representative Quall*

*(SB 5079 Senator Finkbeiner)*

**\* Signed by the Governor**

- The natural science, wildlife, and environmental education partnership account and grant program are each established to promote proven and innovative natural science, wildlife, and environmental education programs that also include instruction about renewable resources, responsible use of resources, and conservation.
- Funds are disbursed through a competitive grant-making process. The Superintendent of Public Instruction will establish the criteria for the grants, the types of eligible uses, and must authorize any expenditures.
- Funds will only be disbursed to 501 (c) nonprofit organizations that can provide matching funds or in-kind services. Grants may not be used for political or partisan activities.

**SHB 1470: EXPANDING "RESIDENCY" FOR PURPOSES OF ATTENDING WASHINGTON PUBLIC SCHOOLS**

*Prime Sponsor: Representative Cox*

*(SB 5653 Senator Sheahan)*

- Any child who is of school age and lives in a home that is located in Idaho, but has a Washington address for the purposes of the United States Postal Service, may attend a school in the nearest Washington school district without paying tuition. The child will be considered a resident student for state funding purposes.

**2SHB 2012: CREATING A SPECIAL SERVICES PILOT PROGRAM**

*Prime Sponsor: Representative Fromhold*

- A four-year pilot program is established to provide early intensive intervention services in reading and language in two school districts as selected by the Office of the Superintendent of Public Instruction (OSPI). Progress reports must be submitted annually to OSPI.
- Funding for the program shall be through a separate appropriation and consist only of sources other than special education moneys.

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# FINANCIAL SERVICES, INSURANCE & HOUSING

786-7408

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## **SB 5211: CLARIFYING THAT CERTAIN ENTITIES ARE NOT COLLECTION AGENCIES**

*Prime Sponsor: Senator Kohl-Welles*

- Property management companies collecting assessments, charges or fines on behalf of condominium unit owners' associations, associations of apartment owners, or homeowners' associations are exempt from the definition of "collection agency."

## **SB 5224: ADDING A RENTAL HOUSING OWNER TO THE AFFORDABLE HOUSING ADVISORY BOARD**

*Prime Sponsor: Senator Benton*

*(HB 1146 Representative Berkey)*

\* *Signed by the Governor*

- A Governor-appointed representative of for-profit housing owners is added to the Affordable Housing Advisory Board, expanding total membership from twenty-one to twenty-two members.

## **SSB 5310: ESTABLISHING BOND REQUIREMENTS FOR TITLE INSURANCE AGENT LICENSES**

*Prime Sponsor: Senator Morton*

*(HB 1290 Representative Sump)*

- Title insurance agents conducting the business of escrow agents must provide evidence of financial responsibility, similar to the requirement of licensed escrow agents.
- Such title insurance agents must have a fidelity bond of \$200,000, or fidelity insurance, and a \$10,000 surety bond prior to the agent's authority to transact escrow business in this state.

## **ESB 5389: MANAGING CLEAN AND SOBER HOUSING**

*Prime Sponsor: Senator Benton*

*(HB 1472 Representative Veloria)*

- Federally assisted drug and alcohol free housing ("clean and sober housing") requires a written rental agreement between the landlord and tenant. The tenant must participate in a program of recovery and abstain from using drugs and alcohol.
- Guidelines are established that allow a landlord to evict a "clean and sober housing" tenant for using or possessing drugs or alcohol.

## **SB 5413: ALLOWING OUT-OF-STATE LICENSEES TO PRACTICE COMMERCIAL REAL ESTATE**

*Prime Sponsor: Senator Benton*

*(HB 1440 Representative Conway)*

- Out-of-state brokers may engage in the practice of selling Washington commercial real estate if they: (1) work with a Washington licensed real estate broker; (2) agree to follow Washington law; (3) furnish a copy of an out-of-state license in good standing; (4) consent to jurisdiction in the state for any legal actions arising out of their conduct related to selling commercial real estate; and (5) include the name of the Washington broker on all advertising.

**SSB 5452: REGULATING CHECK CASHERS AND SELLERS**

*Prime Sponsor: Senator Winsley*

*(HB 1340 Representative Cooper)*

- New consumer protections are added to the existing regulation of check cashers and sellers ("pay day lenders"), including: (1) the borrower's right to a payment plan after four loans; (2) rescission by the borrower, at no cost; (3) lenders cannot accept personal property as collateral; and (4) no more than \$700 may be loaned to an individual at one time.

**SSB 5505: REGULATING CHECK CASHERS AND SELLERS**

*Prime Sponsor: Senator Winsley*

*(HB 1340 Representative Cooper)*

*\* Signed by the Governor*

- New consumer protections are added to the existing regulation of check cashers and sellers ("pay day lenders"), including: (1) the borrower's right to a payment plan after four loans; (2) rescission by the borrower, at no cost; (3) lenders cannot accept personal property as collateral; and (4) no more than \$700 may be loaned to an individual at one time

**SSB 5561: CONCERNING RESTRICTIONS ON ASSIGNMENTS UNDER UCC ARTICLE 9A**

*Prime Sponsor: Senator Prentice*

*\* Signed by the Governor*

- The Uniform Commercial Code (UCC) is a model code for commercial transactions adopted by all states.
- It is permissible for security interests in certain types of personal injury compensation awards or special needs trusts (paid out over time as "structured settlements") to be subject to restrictions without being presumed invalid under the UCC. This is an exception to the general rule that Washington's UCC does not allow restrictions to be placed on the assignment, transfer, or creation of a security interest in rights related to a promissory note or account.

**SSB 5616: CONCERNING INSURER FOREIGN INVESTMENTS**

*Prime Sponsor: Senator Benton*

- Insurers are allowed to invest up to 10 percent of their assets in bonds of foreign countries, and cannot exceed 5 percent in any one country.
- Investments must meet the highest sovereign debt rating criteria of the National Association of Insurance Commissioners.

**SSB 5641: PROVIDING CIVIL AND CRIMINAL PENALTIES FOR THE UNLAWFUL TRANSACTION OF INSURANCE OR HEALTH COVERAGE**

*Prime Sponsor: Senator Benton*

*(HB 1676 Representative Schual-Berke)*

- Imposes civil and criminal liability for the unlawful solicitation of insurance business, including penalizing unlicensed persons acting as insurance agents, and creating substantial penalties.

**SSB 5716: PROHIBITING MANUFACTURE OR SALE OF FRAUDULENT DRIVERS' LICENSES AND IDENTICARDS**

*Prime Sponsor: Senator Prentice*

*(HB 1843 Representative Benson)*

- Clarifies that it is a felony to manufacture, sell or deliver a forged, stolen, fictitious, counterfeit, fraudulently altered or unlawfully issued drivers' license.
- Limited creation of fake drivers' licenses by persons under 21, for purposes of age misrepresentation, is a misdemeanor, rather than a felony.

**SSB 5719: PENALIZING THE FRAUDULENT USE OF CREDIT CARD SCANNING DEVICES**

*Prime Sponsor: Senator Winsley*

*(HB 1846 Representative Shual-Berke)*

*\* Signed by the Governor*

- Credit card scanners legitimately capture credit card information for billing purposes and are used in numerous businesses. Some employees illegally use scanners to capture an individual's credit card information in order to commit financial fraud.
- The unauthorized, fraudulent use of a credit or other payment card scanning device is a felony.

**SB 5720: ALLOWING MERCHANTS TO REQUIRE ADDITIONAL IDENTIFICATION WHEN CONDUCTING CREDIT AND DEBIT CARD SALES**

*Prime Sponsor: Senator Winsley*

*(HB 1847 Representative Hunter)*

*\* Signed by the Governor*

- Merchants are allowed, but not required, to check additional identification when accepting a credit or payment card transaction.

**SSB 5737: REPORTING ABANDONED PROPERTY**

*Prime Sponsor: Senator Benton*

- Intangible property presumed abandoned must be reported to the Department of Revenue (DOR) if its value is \$50 or more. The time allowed for DOR to publish its notice of property in custody is extended two months, and this notice is published only once a year.

**SHB 1081: PROVIDING FUNDS TO INVESTIGATE AND PROSECUTE MORTGAGE LENDING FRAUD**

*Prime Sponsor: Representative Hunter*

*(SB 5118 Senator Prentice)*

- The mortgage lending fraud prosecution account is created. The purpose of this account is to fund criminal prosecution of mortgage lending fraud crimes.
- Funds for this account come from a \$1.00 surcharge imposed by county auditors for recording deeds of trust. The Department of Financial Institutions is responsible for the distribution of these funds.

**HB 1083: MAKING CLARIFYING, NONSUBSTANTIVE AMENDMENTS TO AND CORRECTING OUTDATED REFERENCES IN THE INSURANCE CODE**

*Prime Sponsor: Representative Simpson*

*(SB 5146 Senator Winsley)*

- The Insurance Code is modernized, updating archaic language and making numerous nonsubstantive changes.



**HB 1084: REGULATING AUTOMOBILE INSURANCE**

*Prime Sponsor: Representative Hunter*

*(SB 5147 Senator Winsley)*

- Nonsubstantive minor revisions are made to the personal injury protection statute with the intent of clarifying the law.

**SHB 1128: PROHIBITING INSURERS FROM TAKING CERTAIN UNDERWRITING ACTIONS REGARDING PROPERTY INSURANCE POLICIES DUE TO CLAIMS MADE FOR MALICIOUS HARASSMENT**

*Prime Sponsor: Representative Schual-Berke*

*(SB 5193 Senator Benton)*

- Prohibits insurers from taking underwriting action on property insurance of individuals, religious, educational or charitable organizations, and nonprofits when the insured makes a verified claim for loss resulting from the crime of malicious harassment ("hate crime").

**HB 1150: SELLING SINGLE PREMIUM CREDIT INSURANCE**

*Prime Sponsor: Representative Hatfield*

*(SB 5422 Senator Benton)*

- For residential mortgage loans, an agent, broker or solicitor cannot issue or sell any single premium credit insurance unless certain conditions are met to protect consumers.
- The conditions include limits on the term of the policy, the option of monthly premium payments, and the availability of a refund.

**SHB 1211: MODIFYING ACCOUNTABILITY REQUIREMENTS UNDER THE PUBLIC ACCOUNTANCY ACT**

*Prime Sponsor: Representative Conway*

*(SB 5773 Senator Carlson)*

- Licensed accountants and firms are required to notify the Board of Accountancy within 30 days after being sanctioned by the Internal Revenue Service, the Securities and Exchange Commission or another state's Board, and legal and ethical violations must also be reported. Prohibited actions will be fined.

**SHB 1219: ADDRESSING VIOLATIONS CONNECTED WITH THE OFFER, SALE, OR PURCHASE OF SECURITIES**

*Prime Sponsor: Representative Schual-Berke*

*(SB 5365 Senator Benton)*

- Establishes a "Securities Prosecution Fund," using fines to pay for the costs of case preparation and prosecution of state Securities Act violations.
- Makes the shredding of evidence a Class B felony, and doubles fines from \$5,000 to \$10,000.

**SHB 1442: REVISING PROVISIONS FOR SALE OF TIMESHARES**

*Prime Sponsor: Representative Wood*

*(SB 5492 Senator Mulliken)*

- Promoters may sell timeshare interests in incomplete projects under certain circumstances. Projects must be completed within two years of the date of purchase. Any incomplete projects offered for sale must be registered with the Department of Licensing.
- The purchasers' funds are deposited into an escrow account or the promoter obtains a bond to protect the purchasers' interests. Requirements for escrow accounts are established.

- Purchasers may request a full refund if the project is not completed either within two years of purchase or on the estimated date of completion, whichever is earlier.

**SHB 1455: LICENSING AND REGULATING MONEY TRANSMISSION AND CURRENCY EXCHANGE**

*Prime Sponsor: Representative Santos*

*(SB 5465 Senator Benton)*

- Establishes the Uniform Money Services Act, regulating and licensing money transmitters and currency exchange businesses.

**ESHB 1524: RESTRICTING UTILITY ASSESSMENTS AND CHARGES FOR CERTAIN MOBILE HOME PARKS**

*Prime Sponsor: Representative Schindler*

*(SB 5384 Senator West)*

- A mobile home park cannot be required to pay a sewer availability charge or standby charge until the mobile home park actually connects to that utility.
- A local government may only charge a mobile home park prospectively for sewer service once the mobile home park connects to a sewer. This provision applies retroactively to 1993.

**SHB 1634: CHANGING THE RESIDENTIAL PROPERTY SELLER DISCLOSURE STATEMENT**

*Prime Sponsor: Representative Conway*

*(SB 5642 Senator Prentice)*

- Residential real property seller disclosure statements are changed to exempt some types of disclosure for new, never-occupied construction, to clarify sewage/septic disclosure, and to add mobile homes.
- Disclosure is required of such things as radio towers and satellite dishes.

**HB 1654: BORROWING MONEY BY DOMESTIC MUTUAL INSURERS**

*Prime Sponsor: Representative Schual-Berke*

*(SB 5810 Senator Benton)*

- Allows domestic (Washington State) mutual insurers to borrow money at interest rates that are "fair and reasonable," instead of being limited to 6 percent.
- Requires compliance with certain national accounting practices, when accounting for the borrowed money.

**SHB 1759: PROVIDING FINANCIAL INSTITUTION LAW PARITY**

*Prime Sponsor: Representative Schual-Berke*

*(SB 5714 Senator Benton)*

*\* Signed by the Governor*

- The Department of Financial Institutions (DFI) has regulatory authority over a variety of state-chartered institutions, examining them for safety and soundness. Historically, the precise statutory framework has varied among the types of financial institutions.
- Parity is established between the various statutes governing savings banks, state banks, and mutual savings banks, while DFI maintains its role as a state regulator.
- All state depository institutions have parity with national banks regarding the maximum rates and fees for home equity and consumer loans.

**HB 1786: MODIFYING MOBILE HOME LANDLORD-TENANT PROVISIONS**

*Prime Sponsor: Representative Veloria*

*(SB 5738 Senator Kastama)*

- A landlord may require that a mobile home, manufactured home, or park model meet applicable fire and safety standards, if the tenant has been issued with a notice of violation by a state or local agency.
- A park model is a recreational vehicle that is used as a primary residence. The eviction of a park model is governed by the Manufactured/Mobile Home Landlord-Tenant Act.

**HB 1815: DEFINING SECURITY ACCOUNT UNDER THE UNIFORM TRANSFER ON DEATH SECURITY REGISTRATION ACT**

*Prime Sponsor: Representative Schual-Berke*

*(SB 5706 Senator Benton)*

- The definition of "security account" is expanded to include cash equivalents and an investment management or custody account with a trust company or a trust division of a bank with trust powers.
- Investment management or trust accounts may have a beneficiary designation to take effect at the owner's death.

**ESHB 1844: CRIMINALIZING POSSESSION OF INSTRUMENTS OR EQUIPMENT OF FINANCIAL FRAUD**

*Prime Sponsor: Representative Schual-Berke*

*(SB 5717 Senator Winsley)*

- Criminalizes the use, possession or production of payment instruments, identification, or devices such as fake credit cards, used to commit financial fraud.
- The new felonies created will constitute criminal profiteering, making the remedy of asset forfeiture available under the Criminal Profiteering Act.

**ESHB 1845: EXEMPTING BANK ACCOUNT, SOCIAL SECURITY, AND CREDIT CARD NUMBERS FROM PUBLIC DISCLOSURE**

*Prime Sponsor: Representative Newhouse*

*(SB 5718 Senator Winsley)*

- Exempts credit and debit card numbers and expiration dates, electronic check numbers, and bank or other financial account numbers from public records disclosure, unless disclosure is required by other law.

**SHB 2040: ESTABLISHING LIABILITY FOR TAXES ON UNLAWFUL OR DELINQUENT INSURERS OR TAXPAYERS**

*Prime Sponsor: Representative Santos*

*(SB 5838 Senator Winsley)*

- Interest is added to the existing penalty on delinquent premium tax payments against insurers or health maintenance organizations for payments that are delinquent more than sixty days.
- Insurers selling such insurance in Washington without a certificate of authority, unless otherwise exempt, are also subject to the premium tax.

**SHB 2132: SECURING PUBLIC BUILDING OR CONSTRUCTION CONTRACTS**

*Prime Sponsor: Representative Kenney*

- Public construction contracts are authorized to use wrap-up policies for projects that: (1) are located in a county with more than one million people; (2) cost more than \$100 million; and (3) are administered for public hospitals.

**SHB 2202: PROVIDING FOR COSMETOLOGY APPRENTICESHIPS**

*Prime Sponsor: Representative McDonald*

*(SB 5821 Senator Haugen)*

- A two-year cosmetology apprenticeship pilot program is created.
- Cosmetology apprentices enrolled in an approved apprenticeship program can perform services within their scope of practice without being licensed.

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# GOVERNMENT OPERATIONS & ELECTIONS

786-7432

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## **SSB 5044: GIVING NOTICE OF THE TERMINATION OF A TENANCY**

*Prime Sponsor: Senator Rasmussen*

*\* Signed by the Governor*

- The Residential Landlord Tenant Act (RLTA) is amended to allow a tenant who is a member of the armed forces, or that tenant's spouse or dependant, to terminate a lease upon receipt of reassignment or deployment orders.

## **SB 5049: DESIGNATING VETERANS' HISTORY AWARENESS MONTH**

*Prime Sponsor: Senator Roach*

*(HB 1124 Representative Conway)*

- November is known as veterans' history awareness month.

## **SB 5156: DESCRIBING THE DUTIES OF THE COMBINED FUND DRIVE**

*Prime Sponsor: Senator Winsley*

- The Combined Fund Drive (CFD) committee is authorized to enter into contracts and partnerships with private institutions, persons, firms or corporations for the benefit of the CFD.
- Activities of the CFD must not result in direct commercial solicitation of state employees, or result in a benefit or advantage that would violate state ethics laws.

## **SB 5176: PROVIDING WILDLAND FIRE FIGHTING TRAINING**

*Prime Sponsor: Senator Roach*

*(HB 1109 Representative Clibborn)*

- The reimbursement element of the State Fire Protection Policy Board training plan is increased from \$2 per hour to \$3 per hour of training, and the limit on reimbursement is increased from 150 hours to 200 hours per fire fighter trained.
- Reimbursement for wildland fire training will be provided to fire districts and departments that do not have an interior attack policy and to districts and departments that have and are fulfilling their interior attack policy.

## **SSB 5218: REQUIRING TIMELY MAILING OF BALLOTS**

*Prime Sponsor: Senator Roach*

*(HB 1156 Representative Miloscia)*

- The number of days before the election for county auditors' mailings of ballots, both to all voters for mail elections and to absentee voters for any election, is specified.

## **SSB 5221: REORGANIZING ELECTION LAWS**

*Prime Sponsor: Senator Roach*

*(HB 1159 Representative Miloscia)*

- Title 29 RCW, which contains the election laws, is streamlined and reorganized. It is changed to a more readable format.

**SB 5244: AUTHORIZING ADDITIONAL POWERS FOR UNCLASSIFIED CITIES**

*Prime Sponsor: Senator Hewitt*

**\* Signed by the Governor**

- Unclassified cities can, by resolution, implement a four-year election cycle for city officials and adopt any powers granted to code cities.

**ESB 5256: REVISING RULE-MAKING PROCEDURES**

*Prime Sponsor: Senator Roach*

- When an agency proposes a significant legislative rule, it must state the methodology it will use for the cost/benefit analysis that must be prepared as part of the rule-making process.

**SB 5273: EXTENDING THE USE OF VETERANS' SCORING CRITERIA IN EMPLOYMENT EXAMINATIONS**

*Prime Sponsor: Senator Roach*

*(HB 1228 Representative Haigh)*

**\* Signed by the Governor**

- The time limitation of up to 15 years after discharge for veterans claiming the 5 or 10 extra points on civil service examinations is eliminated.

**SSB 5274: REVISING FUNDING OF THE ARCHIVES DIVISION**

*Prime Sponsor: Senator Roach*

*(HB 1152 Representative Haigh)*

- Two new accounts are created. The imaging account, which is unappropriated, collects the archive division's revenues from copying charges. It funds the archives division's copying costs.
- The local government archives account, which is appropriated, receives revenues from local government surcharges and funds the archive division's local government archiving activities.

**SSB 5321: INCLUDING PUBLIC HOSPITAL DISTRICTS IN THE DEFINITION OF "LOCAL GOVERNMENT" FOR THE PURPOSES OF CHAPTER 39.96 RCW**

*Prime Sponsor: Senator Johnson*

*(HB 1196 Representative Simpson)*

**\* Signed by the Governor**

- Large public hospital districts are given the power to enter into payment agreements that swap their fixed-interest-rate debt with variable-rate debt and vice versa.

**ESB 5374: ADMINISTERING FUNDS RECEIVED UNDER THE HELP AMERICA VOTE ACT**

*Prime Sponsor: Senator Roach*

*(HB 1161 Representative McDermott)*

**\* Signed by the Governor**

- An appropriated account is created in the state treasury that will collect federal funding under the Help America Vote Act of 2002. The money will be used to reimburse local governments for the costs of updating voting systems and will fund other voting-related activities.

**SB 5477: REQUIRING THE DELIVERY OF ENDORSEMENTS BY RECORDING OFFICERS**  
*Prime Sponsor: Senator Shin (HB 1593 Representative Berkey)*

- The county recording officer must either: (1) electronically transmit an endorsed document; (2) deliver it to the party leaving it for recording; or (3) deliver it to the address on the face of the document.

**SB 5654: AUTHORIZING MULTIPLE FIRE DISTRICTS TO ANNEX PORTIONS OF A NEWLY INCORPORATED CITY OR TOWN**  
*Prime Sponsor: Senator McCaslin*

- A newly incorporated city or town can annex to multiple fire protection districts.

**SB 5705: CONFORMING THE DEPARTMENT OF SERVICES FOR THE BLIND PROVISIONS WITH FEDERAL LAW**  
*Prime Sponsor: Senator Winsley (HB 1724 Representative Cody)*

- Statutes that govern the Department of Services for the Blind are updated to be consistent with amendments to the Federal Rehabilitation Act, which governs funding for the department.  
\* *SHB 1838 is incorporated in its entirety into SB 5705, as described below.*
- The department is required to provide access to a telephonic reading service for blind and disabled persons.

**ESSB 5766: PROVIDING BUSINESSES WITH NOTICE OF CERTAIN ADMINISTRATIVE RULES**  
*Prime Sponsor: Senator Roach*

- For newly effective rules, the Departments of Employment Security; Labor and Industries; Ecology; and Revenue must give notice to businesses subject to sanction, penalty or new requirements because of the new rule.
- This notice must be received within 200 days after the rules' effective date.

**SSB 5824: ALLOWING RURAL FIRE PROTECTION DISTRICTS TO CONTRACT WITH CITIES FOR AMBULANCE SERVICES AND IMPOSE A MONTHLY UTILITY SERVICE CHARGE ON EACH DEVELOPED RESIDENTIAL PROPERTY LOCATED IN THE FIRE PROTECTION DISTRICT**  
*Prime Sponsor: Senator Parlette*

- A rural fire protection district can enter into a contract with a contiguous city allowing the city to furnish ambulance service to the district.
- The district may impose a monthly utility service charge on residential property in the district to pay for the service.

**SB 5935: CONSOLIDATING FIRE SERVICE MOBILIZATION RESPONSIBILITIES WITHIN THE WASHINGTON STATE PATROL**  
*Prime Sponsor: Senator Brandland*

- Responsibility for fire mobilization is transferred from the Military Department to the Washington State Patrol.

\* *ESSB 5270 (a Judiciary bill) is incorporated in its entirety in SB 5935, as described in the bullets below.*

- The state Law Enforcement Mobilization Policy Board is created within the Washington State Patrol.
- The Board creates a state Law Enforcement Plan using the incident command system to ensure prompt reimbursement to local law enforcement jurisdictions and those law enforcement jurisdictions that are mobilized regionally or statewide in case of emergency.

**SJM 8008: REQUESTING THAT VETERANS RECEIVE CONCURRENT RETIREMENT AND DISABILITY PAYMENTS**

*Prime Sponsor: Senator Rasmussen*

*(HJM 4010 Representative Haigh)*

- A request is made to the federal government to change its practice of paying disabled retired veterans only one benefit amount, rather than both disability benefits and retirement benefits.

**HB 1045: MODIFYING WATER-SEWER DISTRICT BIDDING PROVISIONS**

*Prime Sponsor: Representative Miloscia*

*(SB 5433 Senator Roach)*

\* *Signed by the Governor*

- Instead of using their own purchasing rosters, water-sewer districts may use current state agency, county, city, or town purchasing rosters to award purchase contracts.

**HB 1106: AUTHORIZING THE SECRETARY OF STATE TO OBSERVE COUNTY ELECTION FACILITIES**

*Prime Sponsor: Representative Bush*

- The Secretary of State is given explicit statutory authority to make unannounced inspections of county election offices to observe how elections are conducted.

**SHB 1153: MANAGING CONFIDENTIAL RECORDS**

*Prime Sponsor: Representative Haigh*

*(SB 5275 Senator Roach)*

- Records that are confidential while in the possession of the originating agency retain their confidential status after transfer to state archives.
- The records can be opened to public inspection after a period of 75 years if so determined by the state archivist and the originating agency.
- Records exempt from disclosure under state or federal law for a period less than 75 years must be opened to public inspection upon expiration of the shorter time period.

**HB 1154: FUNDING ORAL HISTORY AND ARCHIVES ACTIVITIES**

*Prime Sponsor: Representative Haigh*

*(SB 5276 Senator Roach)*

- An unappropriated account is created to receive all revenue that comes to the state through donations. Money from the account may only go toward the Oral History Program, the Archives Program, and the State Library Program.



**HB 1170:      LIMITING RESTRICTIONS ON RESIDENTIAL DAY-CARE FACILITIES**

*Prime Sponsor: Representative Romero*

- A county cannot zone against or otherwise prohibit the use of a residential dwelling as a family day-care facility in a residential or commercial zone.
- The county can require the family day-care facility to comply with safety and licensing regulations and zoning conditions that are imposed on other dwellings in the same zone.

**SHB 1838:      PROVIDING ACCESS TO A TELEPHONIC READING SERVICE FOR BLIND OR VISUALLY HANDICAPPED PERSONS IN THE STATE OF WASHINGTON**

*Prime Sponsor: Representative Dickerson*

*\* SHB 1838 is incorporated in its entirety into SB 5705.*

**SHB 1213:      ELIMINATING BOARDS AND COMMISSIONS**

*Prime Sponsor: Representative Haigh*

- Nine state boards and commissions are eliminated. Every odd year, the Governor and the Office of Financial Management are required to review boards and commissions and to make recommendations regarding which should be eliminated due to completion of duties, lack of funding, lack of need for the committees, or other reasons.

**SHB 1222:      REQUIRING VOTING DEVICES TO BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES**

*Prime Sponsor: Representative Dickerson*

*(SB 5587 Senator Fairley)*

- The Secretary of State must adopt rules and establish standards for voting technology and systems to be accessible for individuals with disabilities.
- If funds are available, every polling location must have at least one voting unit that provides access to blind or visually impaired individuals. Voting systems upgraded or replaced after the effective date of this act must comply with the accessibility standards.

**SHB 1232:      REQUIRING JAIL BOOKING FEES TO BE BASED ON ACTUAL COSTS**

*Prime Sponsor: Representative Kirby*

*(SB 5281 Senator Roach)*

- The booking fee that a city and/or county responsible for operating a jail can charge is changed from \$10 to a fee based on the actual booking costs or \$100, whichever is less.

**SHB 1278:      LISTING PROPERTY FOR TAX PURPOSES**

*Prime Sponsor: Representative Conway*

- Personal property owners and assessors are given the option of sending property tax filings electronically. The requirement for personal property affidavits to be signed is eliminated.

**SHB 1291: PROVIDING FOR ELECTIONS FOR FLOOD CONTROL ZONE DISTRICT SUPERVISORS**

*Prime Sponsor: Representative Blake*

*(SB 5063 Senator Doumit)*

- A flood control zone with more than 2,000 residents may choose to elect its district supervisors by a vote in the district.
- Three supervisors are elected at large, without a primary, for six-year staggered terms.

**HB 1294: REVISING CAMPAIGN FINANCE REPORTING REQUIREMENTS FOR OUT-OF-STATE POLITICAL COMMITTEES**

*Prime Sponsor: Representative McDermott*

*(SB 5306 Senator Roach)*

- When a donation to, or expenditure on behalf of, a Washington political party is made by an out-of-state political committee, it only needs to be reported once: either as part of a regular report to the Federal Disclosure Commission or to the Public Disclosure Commission.

**HB 1430: REQUIRING STATE AGENCIES TO PREPARE HOUSING IMPACT STATEMENTS**

*Prime Sponsor: Representative Miloscia*

*(SB 5752 Senator Roach)*

- When an agency proposes a new rule, it must assess whether the rule causes an increase to the cost of housing or a component of housing. If it causes an increase of 5 percent or more, the agency must prepare a housing impact statement and must reduce the impact of the rule upon developers and home builders.

**HB 1460: CREATING A WASHINGTON STATE DAY OF CIVIL LIBERTIES REMEMBRANCE**

*Prime Sponsor: Representative Pettigrew*

*\* Signed by the Governor*

- February 19th, the day in 1942 that President Roosevelt issued the Executive Order resulting in the internment of Japanese Americans, is recognized in Washington as, "Civil Liberties Day of Remembrance."
- February 19th is not considered a legal holiday for any purpose.

**HB 1473: SPECIFYING WHEN VACANCIES IN CERTAIN PUBLIC OFFICES MAY BE FILLED**

*Prime Sponsor: Representative Hudgins*

*(SB 5794 Senator Prentice)*

- Where a partisan elected official leaves office after an election but before an elected successor's term has begun, a successor from the same party can take office immediately after the election results are certified. The successor need not go through the appointment process.

**HB 1511: INCLUDING PUBLIC HOSPITAL DISTRICTS IN ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES**

*Prime Sponsor: Representative Haigh*

*\* HB 1511 is incorporated in its entirety into ESHB 2056.*

**HB 1531: REQUIRING THE GOVERNOR'S SIGNATURE ON SIGNIFICANT LEGISLATIVE RULES**

*Prime Sponsor: Representative Grant*

\* *NOTE: The Governor vetoed HB 1531 in its entirety.*

- The Governor's signature must be on the order of rule adoption for all significant legislative rules adopted by agencies under the Governor's authority.

**SHB 1550: REVISING THE DUTIES OF AND RENAMING THE OFFICE OF PERMIT ASSISTANCE**

*Prime Sponsor: Representative Linville*

\* *Signed by the Governor*

- The "Office of Permit Assistance" is renamed the "Office of Regulatory Assistance."
- The Office of Financial Management, which houses this office, must hire a director for the office and create a comprehensive web site linked through the governor's office to federal, state and local regulatory entities.

**ESHB 1564: CLARIFYING COUNTY TREASURER FISCAL PROVISIONS**

*Prime Sponsor: Representative Alexander*

\* *Signed by the Governor*

- The bill corrects several ambiguities in the law regarding county treasurer duties, including collection of delinquent property taxes and interest on refunds of local tax payments.

**HB 1566: MODIFYING RECORD RETENTION PROVISIONS FOR COUNTY AUDITORS**

*Prime Sponsor: Representative Alexander*

\* *Signed by the Governor*

- County auditors are given the option of retaining electronic copies of the county's claims, bills, and specified associated records, as opposed to paper copies.

**EHB 1726: CHANGING PROVISIONS RELATING TO AN EMPLOYER'S INDEBTEDNESS TO A DECEASED PERSON FOR UNPAID WAGES, LABOR, OR SERVICES PERFORMED**

*Prime Sponsor: Representative Haigh*

*(SB 5629 Senator Roach)*

- The maximum amount of back-pay that is due to survivors of deceased state employees and that can be paid before appointment of an administrator to the estate is increased from the previous maximum of \$2,500 to \$10,000.

**SHB 1788: REGULATING JOB ORDER CONTRACTING FOR PUBLIC WORKS**

*Prime Sponsor: Representative Miloscia*

*(SB 5801 Senator Winsley)*

- Job order contracting, with certain restrictions, may be used by all public bodies already authorized to use alternative methods of contracting. The authority to award job order contracts expires in 2007.
- Job order contracting may be used by any school district.
- The prevailing wage rate to be applied to each individual work order shall be that rate in effect when the work order is issued.

- The Department of Labor and Industries' oversight responsibility attaches to each work order as a separate contract.  
     \* *SB 5845 is incorporated in part into SHB 1788, as described below.*
- The number of demonstration projects that the school district project review board may authorize is raised from 10 to 16.

**SHB 1813: EXPANDING EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES**

*Prime Sponsor: Representative Miloscia*

*(SB 5760 Senator Prentice)*

- Creates a pilot project to enhance opportunities for people with disabilities by requiring state agencies to solicit and negotiate bids for purchase contracts from businesses owned and operated by people with disabilities.
- The pilot project expires December 31, 2007.

**HB 1882: MODIFYING LOCAL IMPROVEMENT DISTRICT PROVISIONS**

*Prime Sponsor: Representative Grant*

- Cities and towns with local improvement districts (LID) that cannot redeem bonds issued by the LID because of insufficient funds in the LID's bond redemption account, can use the city or town's general fund for this purpose.

**ESHB 2056: MODIFYING PUBLIC WORKS BIDDING PROVISIONS**

*Prime Sponsor: Representative Haigh*

- A municipality or general contractor/construction manager must provide two business days notice of the intent to execute a contract for a public works project if a written bid protest has been submitted no later than two days after the bid opening.  
     \* *HB 1511 is incorporated in its entirety in ESHB 2056, as described below.*
- Public hospital districts are authorized to use the alternative public works contracting process.

**EHB 2064: STUDYING METHODS OF AVOIDING MILITARY BASE CLOSURE**

*Prime Sponsor: Representative Woods*

\* *Signed by the Governor*

- The Joint Committee on Veterans' and Military Affairs must conduct a study to determine the actions needed to ensure that the seven major military bases in Washington retain their premier status as part of the national defense mission.

**HB 2073: DISPOSING OF LOCAL GOVERNMENT RECORDS**

*Prime Sponsor: Representative Schoesler*

- A local government may donate noncurrent public records that are at least 70 years old to the state library; a local library; or a historical, genealogical or other similar society.

**HB 2183: ADJUSTING THE AMOUNT ALLOWED FOR UNBID SEWER AND WATER PROJECTS**

*Prime Sponsor: Representative Ericksen*

- The monetary threshold for water-sewer district public works projects that are awarded by contract and competitive bidding is changed from \$5,000 to \$10,000.

**HJR 4206: AMENDING THE CONSTITUTION TO PROVIDE FOR VACANCIES THAT OCCUR AFTER THE GENERAL ELECTION**

*Prime Sponsor: Representative Hudgins*

*(SJR 8216 Senator Prentice)*

- A constitutional amendment is proposed to eliminate the appointment process in certain circumstances. If an incumbent leaves office before the successor's term has begun, a successor of the same party may take office immediately after the election results are certified and need not go through the appointment process.

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# HEALTH & LONG-TERM CARE

786-7436

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## **SSB 5039: CONCERNING HEPATITIS C**

*Prime Sponsor: Senator Kastama*

*(HB 1638 Representative Schual-Berke)*

- The Secretary of Health shall design a state plan for education efforts concerning hepatitis C, and the prevention and management of the disease, using federal or private funds.
- Hepatitis C is included in Washington's law against discrimination.

## **SSB 5226: CONCERNING OPTOMETRIC CARE AND PRACTICE**

*Prime Sponsor: Senator Hale*

*(HB 1164 Representative Kessler)*

- Optometrists are permitted to prescribe and administer oral medications, as well as administer injectable epinephrine, upon completion of additional training.

## **SSB 5236: OFFERING HEALTH CARE BENEFIT PLANS TO SCHOOL DISTRICT EMPLOYEES**

*Prime Sponsor: Senator Parlette*

*(HB 1191 Representative Fromhold)*

- For those school districts purchasing health care benefits from the Health Care Authority, the portion of the premium paid by the district and the portion paid by district employees will be determined at the local level, except that employees must pay at least the same employee premiums paid by state employees.

## **SSB 5327: CLARIFYING THE SCOPE OF PRACTICE OF A DENTAL HYGIENIST**

*Prime Sponsor: Senator Deccio*

*(HB 1493 Representative Campbell)*

- Dental hygienists are authorized to apply antimicrobials, which are prescription drugs, under the authority of a dentist.

## **SSB 5509: CREATING A VOLUNTARY ORGAN AND TISSUE DONOR REGISTRY**

*Prime Sponsor: Senator B. Sheldon*

*(HB 1489 Representative Sullivan)*

- Washington State organ procurement organizations may create a statewide organ and tissue donor registry with information from driver's licenses and identicards.
- An "Organ and Tissue Donation Awareness Account" is created with donations from vehicle registration applicants to be used for organ and tissue donor awareness activities.

## **SSB 5578: ALLOWING FOR BED HOLD FOR BOARDING HOME RESIDENTS**

*Prime Sponsor: Senator Winsley*

*(HB 1330 Representative Moeller)*

\* *SSB 5578 was incorporated in part into SSB 5579.*

## **SSB 5579: REVISING PROVISIONS FOR BOARDING HOMES**

*Prime Sponsor: Senator Parlette*

- A boarding home license is not needed when services in the facility are initiated and arranged by the residents themselves.

- The Department of Social and Health Services (DSHS) may issue a "limited" stop placement restricting specific types of admissions to boarding homes.
- DSHS must submit a report to the Legislature in 2003 on the dementia care pilot program, and in 2004 on the reimbursement rate process.
  - \* *SSB 5578 is incorporated in part into SSB5579, as described below.*
- The reimbursement policy for boarding homes holding beds for residents is changed.

**SSB 5829: PROVIDING FOR THE REGISTRATION OF NURSING TECHNICIANS**

*Prime Sponsor: Senator Deccio*

- Nursing students, or recent graduates of a nursing program, who are employed by a hospital or nursing home must be registered by the Department of Health to perform specific nursing tasks.

**SSB 5966: INCREASING THE SUPPLY OF DENTISTS TO MEET THE CRITICAL SHORTAGE OF DENTAL PROVIDERS IN THIS STATE AND UNDERSERVED AREAS**

*Prime Sponsor: Senator Deccio*

\* *Signed by the Governor*

- A dentist who is licensed and practicing in another state may be granted a Washington license without examination if he or she graduated from a dental school approved by the Washington State Dental Quality Assurance Commission.

**SHB 1189: REVISING AUTHORITY OF PUBLIC HOSPITAL DISTRICTS TO PAY RECRUITMENT EXPENSES AND EMPLOYEE TRAINING AND EDUCATION EXPENSES**

*Prime Sponsor: Representative Alexander*

*(SB 5198 Senator Parlette)*

- Public hospital districts may pay for the expenses incurred by family members accompanying a health care practitioner job candidate.
- Public hospital districts may contract with current or prospective employees, physicians, or health care practitioners to pay for health care training or education in return for services that benefit the public hospital district.

**SHB 1275: TRANSFERRING THE HUMAN IMMUNODEFICIENCY VIRUS INSURANCE PROGRAM TO THE DEPARTMENT OF HEALTH**

*Prime Sponsor: Representative Darneille*

- The statute creating the Acquired Human Immunodeficiency Syndrome Program in the Department of Social and Health Services is repealed. The program is reauthorized within the Department of Health with specified eligibility and operational changes.
- The number of persons enrolled by the Acquired Human Immunodeficiency Syndrome Program in the Washington State Health Insurance Pool may never exceed the number enrolled on July 1, 2003.

**HB 1296: MAKING CORRECTIONS TO THE DEPARTMENT OF HEALTH'S PROFESSIONAL AND FACILITIES LICENSING PROVISIONS**

*Prime Sponsor: Representative Moeller*

- Technical errors in current law relating to health care licensing provisions are corrected.

- Dispensing optician apprentices are added to the Uniform Disciplinary Act.

**ESHB 1299: PROVIDING FOR UNIFORM POLICIES FOR HEALTH SERVICES PURCHASING BY STATE PURCHASED HEALTH CARE PROGRAMS**

*Prime Sponsor: Representative Cody*

- The Health Care Authority must coordinate the development and implementation of uniform policies across all state-purchased health care programs related to purchasing, administrative efficiencies, improving quality of care, and reducing administrative burdens on participating health care providers.
- The policies are to address methods of assessing and monitoring the quality and cost-effectiveness of health services, developing a common definition of medical necessity, and common strategies for disease and demand management.

**HB 1444: PROTECTING PROPRIETARY OR CONFIDENTIAL INFORMATION ACQUIRED THROUGH STATE HEALTH SERVICES PURCHASING**

*Prime Sponsor: Representative Haigh*

- Public agencies may meet in executive session to consider certain proprietary or confidential nonpublished information related to state purchased health care services.
- Certain proprietary or confidential nonpublished information obtained by the Health Care Authority or the Department of Social and Health Services related to state purchased health care services is exempt from public disclosure.

**HB 1621: MODIFYING MEDICAL ASSISTANCE PROVISIONS**

*Prime Sponsor: Representative Morrell*

*(SB 5567 Senator Deccio)*

- The requirement that all Medicaid plans of care be reviewed by a nurse is eliminated and replaced with permissive language that allows nurse review, but does not require it.
- The Department of Social and Health Services is required to determine by rule which clients have plans of care needing consultation or review by a registered nurse.

**SHB 1655: PROVIDING FOR DETERMINATION OF DISABILITY FOR SPECIAL PARKING PRIVILEGES BY ADVANCED REGISTERED NURSE PRACTITIONERS**

*Prime Sponsor: Representative Clibborn*

*(SB 5460 Senator Mulliken)*

- Advanced registered nurse practitioners are authorized to determine whether a person qualifies for special parking privileges.

**SHB 1694: REQUIRING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO INSPECT BOARDING HOMES AT LEAST EVERY EIGHTEEN MONTHS**

*Prime Sponsor: Representative Morrell*

*(SB 5563 Senator Deccio)*

- The Department of Social and Health Services may inspect boarding homes every 18 months, maintaining a 12-month average.
- The department may delay inspections for up to 24 months in boarding homes that pass three consecutive inspections with no written violations.



**SHB 1721: CONCERNING DENTISTRY**

*Prime Sponsor: Representative Moeller*

- Students in any accredited dental school approved by the Dental Quality Assurance Commission may practice dentistry in Washington under the direction and supervision of a dentist licensed in Washington who is a faculty member at a dental school.

**HB 1753: CONCERNING NURSING PRACTICES IN COMMUNITY-BASED AND IN-HOME CARE**

*Prime Sponsor: Representative Cody*

*(SB 5709 Senator Deccio)*

- The practice of nurse delegation, as it is currently allowed in statute, is expanded to in-home settings.
- Medication assistance statutes are clarified and updated.

**SHB 1785: LIMITING DISCLOSURE OF CLIENT INFORMATION**

*Prime Sponsor: Representative Cody*

*(SB 5461 Senator Thibaudeau)*

- Licensed mental health counselors, marriage and family therapists, and social workers are prohibited from disclosing confidential client information unless an exception is satisfied.

**ESHB 1827: REQUIRING INFORMATION ON MENINGITIS IMMUNIZATION FOR COLLEGE STUDENTS**

*Prime Sponsor: Representative Moeller*

*(SB 5828 Senator Sheahan)*

- Institutions of higher education that provide on-campus or group housing are required to provide students with information about meningococcal meningitis.

**SHB 1837: AUTHORIZING CERTAIN FIRE PROTECTION DISTRICTS TO ESTABLISH HEALTH CLINIC SERVICES**

*Prime Sponsor: Representative Linville*

- Fire protection districts that share a common border with Canada and are surrounded on three sides by water may establish or participate in providing health clinic services.

**SHB 1849: CREATING A LIST OF HEALTH CARE PROVIDERS WILLING TO SERVE AS VOLUNTEER RESOURCES DURING AN EMERGENCY OR DISASTER**

*Prime Sponsor: Representative Bailey*

- The Department of Health (DOH) may ask health care professionals if they would like to be on a list of potential volunteers to serve in the event of a bioterrorist incident, natural disaster, or other emergency where health care providers are needed.
- DOH must maintain the list and provide it upon request to local health departments, state emergency planning and response agencies, and the Centers for Disease Control and Prevention.

**ESHB 1852: FACILITATING COLLABORATION AMONG HEALTH CARE WORK FORCE  
STAKEHOLDERS TO ADDRESS THE HEALTH CARE PERSONNEL SHORTAGE**

*Prime Sponsor: Representative Schual-Berke*

- The Workforce Training and Education Coordinating Board (WTECB) is required to facilitate collaboration among stakeholders to address the health care personnel shortage and to establish and maintain a state strategic plan for ensuring an adequate supply of personnel.
- WTECB must annually report to the Governor and the Legislature on the progress of the strategic plan beginning December 31, 2003.

**ESHB 1904: REVISING STANDARDS FOR REPORTING INCIDENTS INVOLVING HARM TO  
VULNERABLE ADULTS**

*Prime Sponsor: Representative O'Brien*

- Under certain circumstances, mandated reporters are not required to report assaults between two vulnerable adults to law enforcement.

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# HIGHER EDUCATION

786-7415

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## **SB 5134: CHANGING BORDER COUNTY HIGHER EDUCATION OPPORTUNITIES**

*Prime Sponsor: Senator Carlson*

- The Border County Higher Education Opportunities Project is made permanent. People who have resided in certain Oregon counties for at least 90 days are eligible to pay Washington resident tuition rates when enrolled at participating Washington higher education institutions.

## **E2SSB 5135: CREATING TUITION SURCHARGES**

*Prime Sponsor: Senator Carlson*

- At local option, state higher education institutions may assess a tuition surcharge on undergraduates who are in excess of 125 percent of the credits required for graduation.
- Each institution must develop resource-efficient, capacity-conscious degree completion policies for enrolled undergraduates.
- Each 4-year institution and the State Board for Community and Technical Colleges reports back to the Higher Education Coordinating Board to quantify the impact of said policies and shall describe actions taken to eliminate course scheduling barriers for students.

## **SSB 5189: WAIVING TUITION AND FEES FOR VETERANS OF THE KOREAN CONFLICT**

*Prime Sponsor: Senator Benton*

- The governing boards of the state's public higher education institutions may waive all or a portion of tuition and fees for veterans of the Korean Conflict on a space available basis.

## **ESSB 5448: CHANGING TUITION PROVISIONS FOR INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Senator Carlson*

*(HB 1437 Representative Kenney)*

- For six years, the governing boards of the four-year institutions of higher education and the State Board for Community and Technical Colleges are authorized to reduce or increase full-time tuition rates for all students other than resident undergraduates.
- For six years, explicit authority is given to the Legislature for setting resident undergraduate student tuition fees.
- For needy low- and middle-income resident law and academic graduate students, additional financial aid is provided from a portion of the revenue raised from tuition rate increases.

## **ESB 5676: CHANGING PROVISIONS IN THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM**

*Prime Sponsor: Senator Carlson*

*(HB 1731 Representative Kenney)*

- Permits the Educational Opportunity Grant (EOG) program to be used at a branch campus or any other higher education institution approved by the Higher Education Coordinating Board.
- Qualified upper-division students from any of the 39 counties in Washington may apply for the EOG, which is limited to \$2,500 per academic year.

\* *SB 5864 is incorporated in its entirety into ESB 5676, as described below.*

- Students under the age of 21 with a GED certificate are eligible for the Washington Promise Scholarship if they meet current criteria for high test scores on the ACT or SAT I.

**SB 5864: ALLOWING RECIPIENTS OF GED CERTIFICATES TO BE ELIGIBLE FOR PROMISE SCHOLARSHIPS**

*Prime Sponsor: Senator Shin*

\* *SB 5864 is incorporated in its entirety into ESB 5676.*

**SHB 1061: AUTHORIZING ASSOCIATE DEGREE PATHWAYS FOR PERSONS IN APPRENTICESHIP PROGRAMS AT COMMUNITY AND TECHNICAL COLLEGES**

*Prime Sponsor: Representative Veloria*

- Apprenticeship committees can recommend to their community or technical college partners that an associate degree pathway be developed for that committee's apprenticeship program. The colleges will develop the appropriate program for apprentices if resources are available.

**EHB 1079: EXPANDING THE DEFINITION OF RESIDENT STUDENT FOR HIGHER EDUCATION PURPOSES**

*Prime Sponsor: Representative Kenney*

*(SB 5158 Senator Carlson)*

- Any person who completes a full senior year of high school and obtains a diploma, or any person who receives the equivalent of a high school diploma, is permitted to pay resident tuition at a public institution of higher education, under certain conditions. First, the person must have lived in the state for at least three years immediately prior to receiving the diploma or its equivalent. Second, the person must live continuously in the state after receiving the diploma or its equivalent and until he or she is admitted to a college or university.
- The person must provide the institution with an affidavit indicating that he or she will file an application for permanent residency as soon as he or she is eligible to do so, and must indicate a willingness to engage in the activities necessary to become a citizen.
- The provisions of this act are applicable only to certain classes of individuals and their families, as established in the bill.

**ESHB 1277: GAINING INDEPENDENCE FOR STUDENTS BY CREATING THE EDUCATIONAL ASSISTANCE GRANT PROGRAM FOR FINANCIALLY NEEDY STUDENTS WITH DEPENDENTS**

*Prime Sponsor: Representative Kenney*

*(SB 5660 Senator Kohl-Welles)*

\* *Signed by the Governor*

- The Gaining Independence for Students with Dependents Program is created. Resident-students who meet all State Need Grant requirements and who care for a dependent or dependents 18 years of age or younger may qualify for a minimum grant of \$1000 per year.
- The Higher Education Coordinating Board administers the program and may solicit and receive private funds to deposit in a State Treasury account that keeps its own interest.

**EHB 1403: CHANGING EXCEPTIONAL FACULTY AWARD GRANTS**

*Prime Sponsor: Representative Kenney*

*(SB 5415 Senator Carlson)*

- Allows colleges to apply to the State Board for Community and Technical Colleges (SBCTC) for grants in increments of \$10,000 (rather than the current requirement of \$25,000) when the college can match the state funds with cash donations from private sources.
- The SBCTC establishes the limit of funds available to an individual college in a biennium rather than the current limit of \$100,000.
- Money in the endowment fund may be used solely for the exceptional faculty program.

**EHB 1808: REQUIRING STANDARDS OF REVIEW BEFORE CHANGING LINES OF INSTRUCTION AT RESEARCH UNIVERSITIES**

*Prime Sponsor: Representative Kenney*

*(SB 5475 Senator Horn)*

*\* NOTE: Partial Veto. The Governor vetoed the additional program review criteria.*

- Restriction is lifted allowing only the University of Washington and Washington State University to offer electrical engineering degrees.
- Prior to granting certain new program requests by the public higher education institutions, the Higher Education Coordinating Board is required to apply newly codified standards of review and provide an analysis to the Legislature regarding approval of the program.

**SHB 1909: CREATING A PILOT PROJECT FOR COMPETENCY-BASED TRANSFER IN HIGHER EDUCATION**

*Prime Sponsor: Representative Jarrett*

- A pilot project to define transfer standards in selected academic disciplines on the basis of student competency is established. The Higher Education Coordinating Board will select a four-year institution, at least two community or technical colleges, and at least one private career college to participate.

**ESHB 2076: REQUIRING A STATEWIDE STRATEGIC PLAN FOR HIGHER EDUCATION**

*Prime Sponsor: Representative Kenney*

- A Legislative work group provides guidance for the statewide strategic master plan for higher education.
- The group reviews options pertaining to roles and responsibilities of the Higher Education Coordinating Board.

**SHB 2111: EXPLORING OPPORTUNITIES TO CREATE PERFORMANCE CONTRACTS BETWEEN THE STATE AND INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Representative Priest*

- A work group of legislators, representatives of higher education and the executive branch will consider the feasibility of developing and implementing performance contracts between institutions of higher education and the state.
- The work group is to develop guidelines and possible models of performance contracts and report its findings and recommendations to the Legislature by December 15, 2003. Included will be the types of institutional performance indicators and benchmarks that could be in a contract and the types of flexibility, exemptions, or commitments from the state that could be in a contract.

**HB 2113: REGARDING REFUNDS OF FEDERAL FINANCIAL AID TO STUDENTS WHO  
WITHDRAW FROM INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Representative Morrell*

- Four-year institutions of higher education may adopt tuition refund policies using the same formula the federal government uses for return of financial aid if withdrawing students would pay more back in financial aid than they would receive in a tuition refund.

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# HIGHWAYS & TRANSPORTATION

786-7300

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## **SSB 5117: REGULATING THE SALE, DISTRIBUTION, AND INSTALLATION OF AIR BAGS**

*Prime Sponsor: Senator Eide*

*\* Signed by the Governor*

- Persons who knowingly install or distribute previously deployed motor vehicle air bags are guilty of a gross misdemeanor, and are subject to a maximum \$5,000 fine and/or a one-year jail sentence.
- When previously deployed air bags are replaced, the replacement air bag must conform to manufacturer standards, and installers must verify that the entire air bag system is operating properly.

## **SSB 5190: STRENGTHENING LAWS AGAINST FUEL TAX EVASION**

*Prime Sponsor: Senator Jacobsen*

*(HB 1477 Representative Cooper)*

- The State Patrol may seize any fuel imported into the state or manufactured in the state by a person that is not licensed, and may seize any conveyances in which the fuel is transported.
- The statute allowing for the sale of untaxed clear diesel at card lock facilities to farmers, logging companies and construction companies is repealed.
- The penalty for a single event of using dyed diesel for a taxable purpose is reduced from a felony to a gross misdemeanor. Multiple dyed diesel infractions remains a felony.

## **ESSB 5229: SEPARATING TRAINING FOR TWO AND THREE-WHEELED MOTORCYCLES**

*Prime Sponsor: Senator Haugen*

*\* Signed by the Governor*

- The Department of Licensing (DOL) must establish separate novice and advanced motorcycle skills education courses for two-wheeled and three-wheeled motorcycles.
- The definition of a motorcycle, under the motorcycle skills education program, is modified to include motorized tricycles and side car equipped motorcycles.
- A three-wheeled motorcycle special driver's license endorsement is established.
- This act is named the Monty Lish Memorial Act.

## **ESB 5245: INVOLVING LEGISLATORS IN TRANSPORTATION PLANNING**

*Prime Sponsor: Senator Horn*

- Any member of the House of Representatives or the Senate whose districts are wholly, or partly, within the boundaries of a Regional Transportation Planning Organization (RTPO) are considered ex-officio, nonvoting board members of the RTPO. This does not preclude legislators from becoming full-time, voting board members.
- When the members of the Regional Transportation Planning Organization take action on matters that solely affect Washington State, there must be a majority vote of the Washington residents serving as members of the RTPO before the matter may be adopted.

**ESSB 5247: AUTHORIZING ALTERNATIVE LOCAL OPTION FUEL TAXES**

*Prime Sponsor: Senator Horn*

- A county or a Regional Transportation Investment District may levy a local fuel tax at a rate equal to 10 percent of the state fuel tax rate.
- Administration and collection of local option fuel taxes is moved from the Department of Licensing to the Department of Revenue.

**SSB 5248: ACHIEVING TRANSPORTATION WORKFORCE EFFICIENCIES**

*Prime Sponsor: Senator Horn*

- The Department of Transportation (DOT) must develop an employee retention program. For augmentation purposes only, DOT may acquire construction-engineering services from private firms.
- DOT must establish apprenticeship opportunities in transportation and establish a human resources skills bank. The Department of Labor & Industries (L&I) must conduct an assessment of prevailing wages currently paid for transportation labor. One hundred thousand dollars of intent and affidavit fees is dedicated to L&I's prevailing wage survey process.
- Counties, Public Transportation Benefit Areas, Regional Transit Authorities and municipalities must provide to the Transportation Commission a lowest lifecycle cost preservation management plan/assets inventory. Cities must provide the Transportation Commission a preservation rating on their arterial networks. The County Road Administration Board must develop county maintenance standards.

**ESB 5279: EXTENDING THE EXPIRATION DATE OF THE TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE**

*Prime Sponsor: Senator Prentice*

*\* Signed by the Governor*

- The Transportation Permit Efficiency and Accountability Committee, which was created by ESB 6188 in 2001 and was to expire on March 31, 2003, is extended through March 31, 2006.
- Additional goals for the committee are established for expediting permits for transportation projects.
- Detailed work plans are required for some elements of the committee's work and dates are established for reports to the Legislature.

**SB 5284: PENALIZING FAILURE TO USE REQUIRED TRACTION EQUIPMENT**

*Prime Sponsor: Senator Stevens*

- Failure to use required traction equipment is reclassified as a traffic infraction with a fine of \$500. The terminology for road conditions is updated to reflect those actually used by the Department of Transportation (DOT). Different recommendations can be made by DOT or the State Patrol for four-wheel drive vehicles in gear.

**SSB 5335: DEFINING "MOTORCYCLE HELMET"**

*Prime Sponsor: Senator Zarelli*

*(HB 1297 Representative Orcutt)*

- The authority of the Washington State Patrol to adopt rules for protective helmets is removed.
- Motorcycle helmet is defined as a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or a chin strap type retention system, with a



sticker indicating that the motorcycle helmet meets standards by the United States Department of Transportation.

**SB 5429: AUTHORIZING THE PERFORMANCE REGISTRATION INFORMATION SYSTEMS MANAGEMENT PROGRAM (PRISM)**

*Prime Sponsor: Senator Mulliken*

*(HB 1678 Representative Hudgins)*

**\* Signed by the Governor**

- The Performance and Registration Information Systems Management Program (PRISM) is a cooperative federal-state safety program developed to reduce commercial vehicle accidents.
- The Department of Licensing (DOL) may participate in PRISM. DOL must refuse to register, or revoke the current registration of, a motor carrier that has been prohibited from operating, under federal law, by the Federal Motor Carrier Safety Administration.
- The following information must be submitted by a motor carrier at the time of registration or renewal: (1) USDOT number, (2) taxpayer identification number, and (3) Motor Carrier Identification Report.

**ESB 5450: PROVIDING INCENTIVES TO REDUCE AIR POLLUTION THROUGH THE USE OF NEIGHBORHOOD ELECTRIC VEHICLES**

*Prime Sponsor: Senator Horn*

*(HB 1438 Representative Sullivan)*

**\* ESSB 5770 is incorporated in its entirety into ESB 5450, as described below.**

- Neighborhood Electric Vehicles (NEVs) are defined. NEVs may be operated on state highways that have a speed limit of 35 miles per hour or less, but may not be operated on state highway routes. Local authorities may regulate NEVs. Additional restrictions are provided.
- Motorized foot scooters are defined. They may be operated during daylight hours, as well as before sunrise and after sunset if they have reflectors approved by the Washington State Patrol. Motorized foot scooters have the same highway access as bicycles; however, local jurisdictions may restrict access. Additional restrictions are provided.

**SSB 5457: POSTING HAZARDS TO MOTORCYCLES**

*Prime Sponsor: Senator Horn*

- When construction, repair, or maintenance to highways, county roads, streets or bridges includes grooved pavement, abrupt lane edges, steel plates, or gravel or earth surfaces, signs must be posted warning motorcyclists of the hazard.
- The Department of Transportation must adopt by rule a uniform sign for this purpose, including, at least, the language "Motorcycles use extreme caution."

**SSB 5497: MODIFYING RELOCATION ASSISTANCE PROVISIONS**

*Prime Sponsor: Senator Esser*

*(HB 1481 Representative Sullivan)*

- Farms, nonprofit organizations and small businesses may be eligible for reimbursement of business relocation expenses when the property they are occupying is condemned through eminent domain.
- This bill raises the current limit for reimbursement of actual expenses from \$10,000 to \$50,000.

**SSB 5520: AUTHORIZING THE FERRY SYSTEM TO USE ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES**

*Prime Sponsor: Senator Haugen*

*(HB 1479 Representative Sullivan)*

- The Department of Transportation State Ferry system is added to the list of state and local entities that may engage in alternative public works contracting procedures (design-build and General Contractor/Construction Manager) under Chapter 39.10 RCW. This authority is limited to ferry terminal projects. Design-build authority for vessels exists in other statutes.

**SSB 5600: REGULATING DISPOSITION OF RETURNED LICENSE PLATES**

*Prime Sponsor: Senator Schmidt*

- The Department of Licensing (DOL) may provide license plates that have been used and returned to the department to individuals who request a plate for non-vehicular use.
- DOL may charge a fee of up to \$5 per plate to recover postage and handling costs and may waive the fee for plates requested for educational purposes.

**SSB 5748: IMPLEMENTING PERFORMANCE AUDITS OF TRANSPORTATION-RELATED AGENCIES**

*Prime Sponsor: Senator Finkbeiner*

- The Transportation Performance Audit Board (TPAB) is created to direct a performance review and audit process of state transportation agencies.
- The TPAB consists of the majority and minority leaders of the House and Senate Transportation Committees, five citizens with expertise in delivering transportation services, one gubernatorial appointee and one ex-officio member. The TPAB conducts performance reviews of state transportation agencies.
- At the request of the TPAB, the Executive Committee of the Legislative Transportation Committee may request the State Legislative Auditor to conduct a full functional or performance audit. To the greatest extent possible, the Legislative Auditor shall contract with the private sector for audit services.

**SB 5769: AUTHORIZING BOND AUTHORITY FOR REGIONAL TRANSPORTATION INVESTMENT DISTRICTS**

*Prime Sponsor: Senator Horn*

- Regional Transportation Investment Districts are authorized to enter into debt up to amounts provided by the constitutional limitations.
- Revenue bonds may be issued by a district without submission to the voters of that district. Once construction of projects in the RTID plan has been completed, district revenues may only be used to make payments on the outstanding bonds, make payments required under pledging agreements, and provide for the maintenance and operations of toll facilities as may be required by toll bond covenants.

**ESSB 5770: REGULATING MOTORIZED FOOT SCOOTERS**

*Prime Sponsor: Senator Horn*

*\* ESSB 5770 is incorporated in its entirety into ESB 5450.*

**SSB 5868:     RELEASING DRIVING ABSTRACTS OF PROSPECTIVE VOLUNTEERS**

*Prime Sponsor: Senator Brown*

*(HB 2206 Representative Wood)*

- Upon request by a volunteer organization, the Department of Licensing must provide a certified abstract of the full driving record of an individual who has submitted an application for a position that could require the transportation of children under 18 years of age, adults over 65 years of age, or physically or mentally disabled persons.
- The release of the abstract requires a statement signed by the volunteer or prospective volunteer and the volunteer organization.

**SSB 5912:     CREATING THE PRODUCE RAILCAR POOL**

*Prime Sponsor: Senator Mulliken*

*(HB 2072 Representative Hankins)*

- The Washington State Department of Transportation (WSDOT) may establish the Washington Produce Railcar Pool to ship fresh and processed foods.
- To the extent funds are appropriated, WSDOT may purchase, lease, or accept donated refrigerated railcars.
- The Produce Railcar Pool account is created.

**SB 5937:     ADDING TO THE SCENIC AND RECREATIONAL HIGHWAY SYSTEM**

*Prime Sponsor: Senator Parlette*

*(HB 2058 Representative Wood)*

*\* Signed by the Governor*

- The Legislature designates the US 97 Scenic Byway and the Palouse Country Scenic Byway as scenic byways, making them eligible for federal grants, Washington State Department of Transportation support in developing a corridor management plan, and designation on maps.

**ESB 5938:     UPDATING FINANCIAL RESPONSIBILITY LAWS FOR VESSELS**

*Prime Sponsor: Senator Finkbeiner*

*\* Signed by the Governor*

- The minimum financial responsibility requirements for certain vessels carrying oil as cargo or as fuel are revised.

**SSB 5974:     EXERCISING SOUND BUSINESS PRACTICES TO ENHANCE REVENUES FOR WASHINGTON STATE FERRIES**

*Prime Sponsor: Senator Benton*

*(HB 2097 Representative Murray)*

- Charges for chartering Washington State Ferry (WSF) vessels are calculated by adding actual vessel operating costs to a market-rate profit margin. Parties chartering vessels may use vehicle decks.
- Parties have the authority to enter into lease agreements or contracts with WSF to use WSF parking lots, along with space on the ferries, wharves, docks, approaches, and landings. WSF may sell commercial advertising space and licenses to use WSF trademarks.
- The Chief Executive Officer of the WSF system may authorize WSF to use promotional, discounted, and special event fares.
- The Washington State Department of Transportation must include in the strategic planning and performance assessment process an analysis of: 1) the compatibility of public and private partnerships with WSF's core business; and 2) efforts to maximize nonfarebox revenues and provide benefit to users of WSF facilities.

**SB 5989: REPRESENTING PILOTS ON THE BOARD OF PILOTAGE COMMISSIONERS**

*Prime Sponsor: Senator Haugen*

*\* Signed by the Governor*

- Representation of active pilots on the Board of Pilotage Commissioners is altered so that one pilot is from the Puget Sound pilotage district and the other may be from either the Grays Harbor pilotage district or the Puget Sound pilotage district.

**SB 6056: ADJUSTING FEES, TAXES, AND PENALTIES FOR PILOTS AND AIRCRAFT**

*Prime Sponsor: Senator Haugen*

- Annual pilot and airmen and airwomen registration fees are set at \$15.
- Annual aircraft registration fees are set at \$15.
- The aircraft fuel tax is set at a fixed rate of 10 cents per gallon and the provision for the fuel tax rate calculation based on fuel prices is repealed. Fuel for medical air transport entities is exempt from the aircraft fuel tax.
- Civil penalties are set for failure to register as a pilot or for failure to register an aircraft.

**ESB 6062: AUTHORIZING BONDS FOR TRANSPORTATION FUNDING**

*Prime Sponsor: Senator Horn*

- Authorization is provided for the sale of \$2.6 billion of general obligation bonds for transportation improvements. The bonds are backed by the motor fuel tax and the full faith and credit of the state.
- The sale of \$350 million of nondebt-limit general obligation bonds backed by revenues from the multimodal fund (sales tax on vehicles) is authorized.
- Monorail bonding requirements are established.

**ESSB 6072: FUNDING POLLUTION ABATEMENT AND RESPONSE**

*Prime Sponsor: Senator Horn*

- Various certification of title fees are transferred from the motor vehicle account to the transportation 2003 account (nickel account), air pollution control account, and vessel response account.
- Eighty five percent of the new funds deposited into the air pollution control account are distributed to local air pollution control authorities and 15 percent of the proceeds are distributed to the Department of Ecology. The funds are used to retrofit school buses with exhaust emission control devices, reduce vehicle emissions, reduce air contaminants, and to provide funding for fueling infrastructure to allow school bus fleets to use alternative, cleaner fuels.
- Proceeds deposited in the vessel response account are used to fund a tug boat at the entrance of the Strait of Juan de Fuca whose primary mission is to arrest the drift of disabled vessels in order to prevent a spill.
- The vessel response account expires in 2008. The distribution of the air pollution control account created in this act expires in 2008.

**ESSB 6074: CHANGING PROVISIONS RELATING TO VESSELS**

*Prime Sponsor: Senator Horn*

*\* Signed by the Governor*

- Technical changes are made to ESHB 1853, adopted by the 2003 Legislature. Public Transportation Benefit Areas (PTBAs) are subject to the same labor provisions as ferry districts when offering passenger-only ferry service. PTBAs, like ferry districts, must be charged fair market value for Washington State Ferry vessels, equipment, and space, taking into account public benefit derived from the ferry service.
- Private passenger vessels that transport passengers and vehicles between Washington and a foreign country are not subject to the revised financial responsibility requirements adopted by the 2003 Legislature in ESB 5938.

**SHB 1036: MODIFYING SUBAGENT AUTHORITY TO PROCESS MAIL-IN VEHICLE REGISTRATION RENEWALS**

*Prime Sponsor: Representative Hatfield*

*(SB 5246 Senator Esser)*

- Subagents are granted the same authority as the county auditors to mail replacement plates or registration renewal tabs to internet purchase option customers.
- The Department of Licensing is required to provide notice to internet customers concerning the additional fees that will be collected for services provided by subagents and county auditors.

**SHB 1086: MOVING MOBILE HOMES BY MOBILE HOME PARK OWNERS**

*Prime Sponsor: Representative Morris*

*\* Signed by the Governor*

- A mobile home park owner may move an abandoned mobile home for purposes of demolition without having to pay the outstanding property taxes.
- The landlord must file an affidavit of destruction with the county assessor's office in order to move the mobile home without payment of the taxes.

**HB 1088: AUTHORIZING REMOVAL OF VEHICLES FROM RESTRICTED PARKING ZONES**

*Prime Sponsor: Representative Fromhold*

*(SB 5213 Senator Carlson)*

- A police officer may take custody of a vehicle and have it removed to a place of safety when it is illegally occupying a zone where parking is limited to certain classes of vehicles or is prohibited during designated times.
- A zone must be properly signed at least 24 hours in advance and give notice that illegally parked vehicles will be removed.

**HB 1102: REVISING THE PROVISION FOR EXCHANGE AGREEMENTS FOR ENVIRONMENTAL MITIGATION SITES**

*Prime Sponsor: Representative Murray*

- Nonprofit environmental conservation groups, incorporated in or out of Washington State, may receive Department of Transportation environmental mitigation sites.

**HB 1114: EXTENDING SCHOOL OR PLAYGROUND SPEED ZONES**

*Prime Sponsor: Representative Hinkle*

- A county or city may create a school or playground speed zone on a highway bordering a school or playground, even if a marked school or playground crosswalk is not present.

**ESHB 1163: MAKING 2001-03 AND 2003-05 TRANSPORTATION APPROPRIATIONS**

*Prime Sponsor: Representative Murray*

*(SB 5338 Senator Horn)*

- Appropriations are made for state transportation agencies and programs for the 2003-05 fiscal biennium.
- Appropriations for various transportation agencies and programs are modified for the 2001-03 biennium.

**HB 1352: APPORTIONING RAILROAD CROSSING INSTALLATION AND MAINTENANCE COSTS**

*Prime Sponsor: Representative Murray*

*(SB 5367 Senator Haugen)*

- The first \$20,000 of installation costs for signals and warning devices at railroad crossings must be paid out of the state Grade Crossing Protective Fund, and remaining costs must be apportioned according to statutory formula.
- Monies in the Grade Crossing Protective Fund may be used on rail safety projects that are authorized by the Utilities and Transportation Commission.

**HB 1356: UPDATING UTILITIES AND TRANSPORTATION COMMISSION REGULATORY FEES**

*Prime Sponsor: Representative Dunshee*

- The minimum fees required to be paid by certain companies regulated by the Utilities & Transportation Commission (UTC) are removed from statute.
- The UTC may set minimum fees for certain regulated companies that do not exceed the actual costs of collecting the fees.

**HB 1379: AUTHORIZING AGREEMENTS FOR TRAFFIC CONTROL**

*Prime Sponsor: Representative Ericksen*

- Law enforcement personnel may enforce speeding laws on private roads within a homeowners' association, upon written agreement between the homeowners' association and the chief law enforcement official of the local jurisdiction.
- The homeowners' association's board of directors must authorize issuance of speeding infractions, declare a speed limit of not less than 20 miles per hour, and provide written notice to all homeowners within the association. Signs declaring the speed limit must be posted at all vehicle entrances to the community.

**EHB 1388: PROVIDING INCENTIVES TO INCREASE TRANSPORTATION REVENUES BY REFORMING LAWS LIMITING THE PROVISION OF PASSENGER-ONLY FERRY SERVICE**

*Prime Sponsor: Representative Woods*

*(SB 5646 Senator Oke)*

- Operators of passenger-only ferry service do not need to apply for the waiver needed to operate within ten miles of a route served by the Washington State Ferry (WSF) System.

- When granting certificates of public convenience and necessity to passenger-only ferry operators (required to operate between fixed termini or over regular routes on Washington State waters), consideration must be given by the Utilities & Transportation Commission to public agencies operating or eligible to operate passenger-only ferry service.
- The Washington State Department of Transportation must make its terminal, dock, and pier space available to operators of passenger-only ferry service if such use does not limit the operation of WSF auto ferries.
- Private operators are not bound by WSF contractual obligations.

### **ESHB 1463: ALLOWING ADVERTISING ON BUS SHELTERS**

*Prime Sponsor: Representative Sullivan*

*(SB 5491 Senator Finkbeiner)*

- Local transit systems are authorized to include commercial advertising on bus shelters located on state highway rights of way.
- The Washington State Department of Transportation may lease state right of way air space for this purpose, and the transit system may only be charged for the commercial space.

### **ESHB 1592: REGULATING SPECIAL LICENSE PLATES**

*Prime Sponsor: Representative Simpson*

*(SB 5435 Senator Haugen)*

- The Special License Plate Review Board is created and charged with reviewing special license plate applications from groups requesting the creation of a special plate.
- The application and review process created includes prepayment or reimbursement to the state for all special plate implementation costs.

### **SHB 1597: ALLOWING HOLDERS OF COMMERCIAL DRIVERS' LICENSES TO DELAY A PHYSICAL EXAMINATION**

*Prime Sponsor: Representative Mielke*

- The requirement that an applicant for a commercial driver's license, or a commercial driver's license instruction permit, provide proof of a physical exam to the Department of Licensing as a prerequisite to the issuance of a license or permit is removed.
- Commercial driver's license holders may not operate a commercial motor vehicle unless the driver is physically qualified to do so and carries a copy of a medical examiner's certificate stating the driver is fit to operate a commercial motor vehicle.
- Failure to comply with this act is a traffic infraction and a fine of up to \$250 may be imposed.

### **ESHB 1853: PROVIDING PASSENGER FERRY SERVICE**

*Prime Sponsor: Representative Rockefeller*

*\* Signed by the Governor*

- Public transportation benefit areas with a boundary on the Puget Sound may operate passenger-only ferries. Sources of funding include a sales and use tax of up to .4 percent and a motor vehicle excise tax of up to .4 percent. These taxes must be voter approved.
- Ferry districts may be created by the legislative authority of a county with a boundary on the Puget Sound and a population of over one million people to operate passenger-only ferries. The ferry district may impose a property tax of up to \$.75 per \$1,000 of assessed valuation.

**HB 1937: EXCLUDING POWER WHEELCHAIRS FROM MOTOR VEHICLE REGULATION**

*Prime Sponsor: Representative Murray*

*(SB 5854 Senator Mulliken)*

- A person using a power wheelchair qualifies as a pedestrian and is not required to obtain a driver's license to operate the device.

**SHB 2033: REQUIRING REGIONAL TRANSPORTATION INVESTMENT DISTRICT TAX REVENUE TO BE ALLOCATED PROPORTIONALLY AMONG MEMBER COUNTIES**

*Prime Sponsor: Representative Shabro*

- Revenues raised by a Regional Transportation Investment District (RTID) must be allocated proportionally to member counties based on revenue generated and must be used for the benefit of the county within which the revenue is generated.
- A RTID transportation investment plan may be modified regarding county projects, subject to voter approval from the county affected.

**HB 2065: FACILITATING LICENSE PLATE TECHNOLOGY ADVANCES**

*Prime Sponsor: Representative Simpson*

*(SB 5643 Senator Esser)*

- The Department Of Licensing (DOL) must implement a flat, digitally printed license plate system by July 1, 2004.
- A fee of 25 cents must be collected on all vehicle and vessel licensing, registration, and titling transactions and be deposited into the license plate technology account.
- DOL must offer vehicle owners, replacing their license plate under the replacement requirements, the option of retaining their current license plate number. A retention fee of \$20 must be collected for providing this service.

**SHB 2215: ALLOWING CAR DEALERS TO CHARGE DOCUMENTARY SERVICE FEES**

*Prime Sponsor: Representative Murray*

*(SB 6068 Senator Horn)*

- Vehicle dealers are authorized to charge a documentary service fee of up to \$35 per vehicle sale or lease. In order to charge the document service fee, vehicle dealers must observe certain conditions.

**ESHB 2228: EXTENDING COMMUTE TRIP REDUCTION INCENTIVES**

*Prime Sponsor: Representative Murray*

*(SB 5340 Senator Horn)*

- A commute trip reduction (CTR) tax credit and grant program is enacted from July 1, 2004, until July 1, 2013.
- Employers are allowed a business and occupation or public utility tax credit if they provide financial incentives to their employees for ridesharing in carpools, public transportation, car sharing, and nonmotorized commuting (CTR modes). Total tax credits are limited to \$2,250,000 per fiscal year.
- In addition, to the extent funds are appropriated, the Washington State Department of Transportation must administer a CTR grant program for employers who give financial incentives to their employees for using CTR modes and for teleworking. Total grants may not exceed \$750,000 per fiscal year.

**ESHB 2231: AUTHORIZING TRANSPORTATION FINANCING ALTERNATIVES**

*Prime Sponsor: Representative Murray*

*(SB 6061 Senator Horn)*

- The Transportation 2003 account (the nickel account) is created in the Motor Vehicle Fund.



- Beginning July 1, 2003, the state gas tax and special fuel tax are increased by 5 cents per gallon. The increase in the gas tax expires when the bonds sold to pay for Transportation 2003 projects are retired.
- The gross weight portion of the combined licensing fee paid by trucks, tractors, and buses is increased by 15 percent for those vehicles over 10,000 pounds.
- Beginning July 1, 2003, the sales and use tax applicable to motor vehicles is increased by three tenths of 1 percent.
- The rate at which refund distributions are calculated for off-road vehicles, snowmobiles, and marine usage is increased by one cent in each of the next five biennia.

**HJM 4014: NAMING THE "MARYANN MITCHELL MEMORIAL INTERCHANGE"**

*Prime Sponsor: Representative Woods*

- Requests the Transportation Commission to designate the 320th Street crossing of Interstate Five in the city of Federal Way the Maryann Mitchell Memorial Interchange.

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# JUDICIARY

786-7462

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## **SB 5001: REVISING THE FELONY-MURDER STATUTE**

*Prime Sponsor: Senator Zarelli*

*\* Signed by the Governor*

- The statute is clarified to reinforce the Legislature's original and continued intent that assault is a underlying offense for felony murder in the second degree.
- The Legislature urges the Supreme Court to apply this interpretation retroactively to July 1, 1976.

## **SSB 5018: REVISING LAWS AGAINST VOYEURISM**

*Prime Sponsor: Senator Roach*

*\* SSB 5018 was incorporated in its entirety into ESHB 1001.*

## **SSB 5120: CHANGING PROVISIONS RELATING TO IGNITION INTERLOCK DEVICES**

*Prime Sponsor: Senator Rossi*

- The Department of Licensing (DOL), rather than the court, is responsible for ordering the installation of ignition interlock devices in those cases of driving under the influence of alcohol or drugs in which the installation is mandatory.
- Before DOL can restore a person's driving privileges in a case where the use of an ignition interlock device is required, the department must receive written verification from a company doing installations in this state that a device has been installed.

## **SB 5122: REVISING PROVISIONS OF THE STATE TRADEMARK LAW**

*Prime Sponsor: Senator Johnson*

*\* Signed by the Governor*

- Statutory provisions relating to state trademark laws are amended to conform to federal trademark laws.
- Non-use of a trademark for three consecutive years, rather than two, constitutes evidence of trademark abandonment.
- The term for which a trademark is registered to a user is reduced from six years to five years.
- Court ordered remedies available to litigants in trademark registration cases are clarified.

## **SB 5123: REVISING THE WASHINGTON BUSINESS CORPORATION ACT**

*Prime Sponsor: Senator Johnson*

*\* Signed by the Governor*

- Changes are made to the Washington Business Corporations Act, clarifying and streamlining shareholder voting group provisions.
- It is provided that where shareholders expressly consent in advance, corporations may send a single copy of shareholder materials to several shareholders who share an address.

**SSB 5165: REGULATING VEHICULAR PURSUIT**

*Prime Sponsor: Senator Kohl-Welles*

*\* Signed by the Governor*

- The Washington State Criminal Justice Training Commission, in coordination with state law enforcement agencies, must develop a written model policy on vehicular pursuits; the bill sets out minimum procedural guidelines to be addressed by the policy.
- By June 1, 2004, every state, county, and municipal law enforcement agency must adopt and implement a vehicular pursuit policy.
- By June 30, 2006, every new full-time law enforcement officer employed after the effective date of the act must be trained on the vehicular pursuit policy.
- After July 1, 2006, every new full-time law enforcement officer must be trained on the vehicular pursuit policy within six months of employment.

**SB 5172: CORRECTING OBSOLETE REFERENCES TO FISH AND WILDLIFE STATUTES**

*Prime Sponsor: Senator Esser*

*(HB 1349 Representative Flannigan)*

*\* Signed by the Governor*

- This is a purely technical bill correcting internal references to the fish and wildlife code.

**SSB 5251: MODIFYING FOREIGN JUDGMENT PROVISIONS**

*Prime Sponsor: Senator Brandland*

*\* Signed by the Governor*

- Requires that under the laws of the originating jurisdiction, a foreign judgment's filing and expiration dates must be included in the foreign judgment summary and in the affidavit submitted when filing the foreign judgment.

**ESSB 5270: CREATING A LAW ENFORCEMENT MOBILIZATION POLICY BOARD AND PLAN**

*Prime Sponsor: Senator Brandland*

*(HB 1216 Representative Pearson)*

*\* ESSB 5270 was incorporated in its entirety into SB 5935.*

**SSB 5396: ENFORCING CONDITIONS IN DEFERRED PROSECUTIONS**

*Prime Sponsor: Senator McCaslin*

- Proof of compliance with court imposed conditions, in addition to proof of successful completion of a treatment program, are required before charges may be dropped after a deferred prosecution.

**SSB 5473: REQUIRING THE CRIMINAL JUSTICE TRAINING COMMISSION TO TRAIN OFFICERS ON INTERACTING WITH PERSONS WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS**

*Prime Sponsor: Senator Regala*

- The Criminal Justice Training Commission, in consultation with appropriate organizations and agencies, must develop a training session on law enforcement interaction with people with mental illness and developmental disabilities.
- The training must consist of classroom or internet instruction and should be made available to law enforcement agencies, through electronic means, for use at their convenience.

**SB 5570: EXPANDING THE CRIME OF COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES**

*Prime Sponsor: Senator Brown*

*(HB 1225 Representative Lantz)*

*\* Signed by the Governor*

- Communication with a minor for immoral purposes may be committed by communicating with someone the offender believes to be a minor.

**SSB 5592: ALLOWING ATTORNEY ISSUED GARNISHMENTS AND SIMPLIFYING GARNISHMENT ANSWER FORMS**

*Prime Sponsor: Senator Mulliken*

*(HB 1816 Representative Lantz)*

- The attorney of record for a creditor may issue a writ of garnishment following a judgment or court order from a district court.
- The garnishee may make a motion for reduction of a default judgment within seven days of the first writ of execution or garnishment.
- The garnishment statute is amended to reference non-governmental pensions or retirement programs since governmental pensions and retirement programs are not subject to garnishment.
- The fee for a writ of garnishment is \$6 in district court.

**SSB 5601: LIMITING LIABILITY FOR PHYSICIANS PROVIDING CARE AT COMMUNITY CLINICS**

*Prime Sponsor: Senator McCaslin*

- Any physician licensed as an osteopath or physician who provides services without compensation at a community clinic is immune from liability for his or her negligence.

**SB 5758: REORGANIZING CRIMINAL STATUTES WITHIN THE RCW**

*Prime Sponsor: Senator Stevens*

*(HB 1497 Representative O'Brien)*

*\* Signed by the Governor*

- Criminal offenses are clearly identified as misdemeanors, gross misdemeanors, or Class A, B, or C, felonies.
- Each criminal penalty provision is placed in a separate RCW subsection that can be uniquely cited.

**ESHB 1001: REVISING VOYEURISM LAWS**

*Prime Sponsor: Representative Lantz*

*\* SSB 5018 is incorporated in its entirety into ESHB 1001, as described below.*

- The crime of voyeurism includes knowingly viewing, photographing or filming, for the purpose of arousing or gratifying the sexual desire of any person, the intimate areas of another person.
- It must be done without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.
- Intimate areas is defined as any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view.
- A court may order the destruction of any photograph, film, digital image, videotape, or any other recording of an image that was made by the convicted voyeur.

**ESHB 1033: CLARIFYING THE RESTRICTIONS CONCERNING OCCUPATIONAL LICENSES**

*Prime Sponsor: Representative Kirby*

- A person driving with an occupational driver's license whose license was suspended or revoked due to a conviction for driving under the influence of alcohol or any drug, or due to administrative action under the implied consent law, must submit verification to the Department of Licensing (DOL) of installation of an ignition interlock device on the vehicle he or she intends to operate, and may drive only a vehicle so equipped for the duration of the occupational license.
- A person who is gainfully employed may apply to DOL for an occupational driver's license if his or her license was suspended administratively due to failure to appear or pay a traffic violation, a violation of insurance laws, or for multiple traffic violations within a specified time period.
- The court must have a payment plan available for people who have had a monetary penalty imposed by a court within the previous 12 months but have not paid the penalty in full.
- It is within the court's discretion whether to allow a person to enter a payment plan.
- DOL will suspend the person's driver's license if the penalty is not paid in full within 18 months.

**HB 1052: LIMITING THE LIABILITY OF CERTAIN PERSONS WHO PROVIDE VOLUNTEER EMERGENCY REPAIRS**

*Prime Sponsor: Representative Nixon*

*(SB 5816 Senator Finkbeiner)*

*\* Signed by the Governor*

- Creates immunity from civil liability for volunteer construction professionals who provide emergency construction repairs at the scene of an accident, disaster, or emergency; immunity extends to negligent acts or omissions, not intentional acts or omissions.

**SHB 1074: ALLOWING RELEASE OF IMPOUNDED VEHICLES TO OWNERS**

*Prime Sponsor: Representative Bush*

- When a person is arrested for driving with a suspended or revoked license, the officer may release the vehicle to the owner if it is a commercial vehicle, and the owner is reasonably available and was not in the vehicle at the time of the stop. This provision is applicable once only.
- A vehicle, impounded following the arrest of a driver for driving with a suspended or revoked license, may be released to the owner of the vehicle if he or she was not the driver and did not know the person driving the vehicle had a suspended or revoked license. This provision is available only if the owner has not obtained a prior release.
- An officer may deny the release of an impounded vehicle when the impoundment is the result of an arrest for driving under the influence (DUI) or an arrest for driving with a suspended license.

**ESHB 1076: REVISING PROVISIONS RELATING TO ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE**

*Prime Sponsor: Representative Lovick*

- Driving in a reckless manner while failing to stop after being signaled constitutes the offense.
- The pursuing vehicle must be equipped with lights and sirens.
- A driver can assert the affirmative defense that a reasonable person would not believe the signal to stop was given by a police officer, and continuing to drive was reasonable given the circumstances.

**HB 1108: ESTABLISHING PENALTIES FOR HARMING A POLICE HORSE**

*Prime Sponsor: Representative Chase*

- A person who maliciously injures, disables, shoots, or kills a police horse, when the person knows or has reason to know the horse is a police horse, is guilty of an unranked Class C felony. The horse does not have to be engaged in police work when the person injures or kills the horse.

**SHB 1195: LIMITING THE LIABILITY OF LANDOWNERS FOR UNINTENTIONAL INJURIES INCURRED WHILE ROCK CLIMBING**

*Prime Sponsor: Representative Delvin*

*\* Signed by the Governor*

- Rock climbing is added to the list of recreational activities for which a landlord may be immune from civil liability for injury or death caused by the landlord's unintentional acts.
- A landowner is not liable for the placement of a fixed climbing anchor put in place by someone else.

**ESHB 1218: CREATING A BUILDING MAPPING INFORMATION SYSTEM**

*Prime Sponsor: Representative Lovick*

*(SB 5269 Senator Brandland)*

- When funded, the Washington Association of Sheriffs and Police Chiefs creates and operates a statewide first responder building mapping information system.
- All state and local government-owned buildings must be mapped when funding is provided.
- Building mapping information regarding specific intelligence and investigation records is exempt from public disclosure.

**HB 1226: AUTHORIZING SERVICE OF SUMMONS FOR PERSONS NOT FOUND IN THIS STATE**

*Prime Sponsor: Representative Moeller*

- A state resident involved in a motor vehicle accident on a state public highway may be served by substitute service of process on the Secretary of State if, after a due and diligent search, the resident cannot be found in Washington.

**HB 1292: AUTHORIZING ADDITIONAL SUPERIOR COURT JUDICIAL POSITIONS**

*Prime Sponsor: Representative Rockefeller*

- Increases the number of Superior Court judges to ten in Clark County, eight in Kitsap County, two in Kittitas County, and six in Benton/Franklin County.
- The increases are contingent upon approval of funding by the local legislative authority.

**SHB 1346: CHANGING PROVISIONS RELATING TO VACATION OF RECORDS OF CONVICTION FOR PRE-SENTENCING REFORM ACT FELONY OFFENSES**

*Prime Sponsor: Representative Lovick*

*\* Signed by the Governor*

- Qualifying felons convicted before July 1, 1984, may apply for a vacation of the record of their conviction.
- The application for and granting of the vacation are subject to the same conditions and restrictions used under the Sentencing Reform Act.

- Offenders may respond on employment applications that they have not been convicted of the vacated offense.

**HB 1348: MAKING TECHNICAL CORRECTIONS**

*Prime Sponsor: Representative Flannigan*

*(SB 5171 Senator Esser)*

*\* Signed by the Governor*

- This is a technical amendment that reenacts RCW 43.22.434 with some provisions effective until April 1, 2004, and other provisions to be given effect on April 1, 2004.

**HB 1350: REPEALING RCW 42.44.040**

*Prime Sponsor: Representative Flannigan*

*(SB 5173 Senator Esser)*

- This bill repeals a statute that is no longer required because the language has been adopted elsewhere.

**HB 1351: CORRECTING OUTDATED INTERNAL REFERENCES**

*Prime Sponsor: Representative Flannigan*

*(SB 5170 Senator Esser)*

- Provides technical amendments to eliminate outdated internal references in a variety of chapters.

**SHB 1416: ADJUSTING THE TIME OF RESTORATION OF A JUVENILE'S DRIVING PRIVILEGE**

*Prime Sponsor: Representative Mielke*

*\* Signed by the Governor*

- Periods of revocation pertaining to a juvenile's driving privileges shall not extend beyond the juvenile's 21st birthday. The juvenile, at the age of 21, may seek reinstatement of his or her driving privilege from the department of licensing.

**EHB 1427: ALLOWING CONFESSIONS AND OTHER ADMISSIONS TO BE ADMITTED INTO EVIDENCE IF SUBSTANTIAL INDEPENDENT EVIDENCE ESTABLISHES THE TRUSTWORTHINESS OF THE STATEMENT**

*Prime Sponsor: Representative Lantz*

- In a criminal case, if there is substantial independent evidence that tends to establish the trustworthiness of a confession and the alleged victim is dead or incompetent to testify, the confession may be admissible.
- In making the decision, the court considers corroborating and contradictory evidence.

**ESHB 1530: CHANGING RULES FOR VENUE FOR DECLARATORY JUDGMENTS UNDER THE ADMINISTRATIVE PROCEDURE ACT**

*Prime Sponsor: Representative Grant*

- Allows a petition for declaratory judgment challenging the validity of an agency rule to be filed in the Superior Courts of the following four counties: Clark, Spokane, Whatcom or Yakima, in addition to Thurston county.

**HB 1556: AUTHORIZING ONE ADDITIONAL DISTRICT COURT JUDGE FOR CLARK COUNTY**

*Prime Sponsor: Representative Moeller*

*\* HB 1556 was incorporated in its entirety into HB 1805.*

**HB 1576: REVISING PROVISIONS RELATING TO DISMISSAL OF CITATIONS FOR FAILURE TO PROVIDE PROOF OF INSURANCE**

*Prime Sponsor: Representative Campbell*

- If a driver appears in person to request dismissal of a failure to provide proof of insurance citation, the court may assess an administrative fee of \$25.

**SHB 1619: INCREASING PENALTIES FOR DRIVING WHILE UNDER THE INFLUENCE (DUI) WITH CHILDREN IN THE VEHICLE**

*Prime Sponsor: Representative Lovick*

- If a DUI is committed with a passenger under the age of 16, the court is required to order 60 days of ignition interlock use in addition to any ignition interlock restriction required under current law.
- In DUI cases in which the court is not now required to order use of ignition interlock, if a DUI is committed with a passenger under the age of 16 years, the court will impose an ignition interlock restriction for 60 days.

**SHB 1675: UPDATING CIVIL TRIAL PROVISIONS**

*Prime Sponsor: Representative Moeller*

- Amends statutory sections relating to civil trial procedures to conform to modern court rules and courtroom practices.
- Changes include consolidating provisions, replacing or removing ambiguous and archaic language, making grammatical corrections, and eliminating gender specific references.

**SHB 1805: CHANGING THE NUMBER OF DISTRICT COURT JUDGES**

*Prime Sponsor: Representative O'Brien*

- The number of district court judges in King County is reduced from 26 to 21.
  - \* HB 1556 is incorporated in its entirety in SHB 1805, as described in the bullet below.*
- The number of district court judges in Clark County is increased from 5 to 6.
  - \* HB 1822 is incorporated in its entirety in SHB 1805, as described in the bullets below.*
- The Legislature may change the number of district court judges only in a year in which the quadrennial election for district court judges is not held.
- A vacancy remains unfilled if the number of remaining judges in the county is equal to or greater than the number of judge positions authorized for that county.

**HB 1822: CHANGING THE NUMBER OF DISTRICT COURT JUDICIAL POSITIONS**

*Prime Sponsor: Representative Lantz*

*(SB 5992 Senator Eide)*

*\* HB 1822 was incorporated in its entirety into HB 1805.*



**HB 1954: PERMITTING A RETIRED JUDGE ACTING AS A JUDGE PRO TEMPORE TO DECLINE COMPENSATION**

*Prime Sponsor: Representative Moeller*

- A retired judge is authorized to decline compensation for serving as a judge pro tem in superior court.

**SHB 2039: PROVIDING AFFIRMATIVE DEFENSES FOR ACTIVITIES DEFINED UNDER RCW 4.16.300**

*Prime Sponsor: Representative Fromhold*

*(SB 5916 Senator Esser)*

*\* Signed by the Governor*

- Seven affirmative defenses are created in regard to actions or claims arising from the construction, alteration, repair, design, planning, survey, or administration of any improvement on real property.

**SHB 2094: ALLOWING DETENTION OF PERSONS AT OUTDOOR MUSIC VENUES FOR INVESTIGATION OF DRUG AND ALCOHOL VIOLATIONS**

*Prime Sponsor: Representative Holmquist*

- Creates an affirmative defense for peace officers, owners, operators, employees, and agents of an outdoor music festival who are alleged to have unlawfully or falsely confined or detained a person at an outdoor music festival.
- Where a plaintiff brings a criminal or civil action, the detainer may assert this defense by showing there were reasonable grounds to believe that the plaintiff was committing or attempting to commit unlawful consumption or possession of alcohol or illegal drugs on the premises.
- Additionally, the detainer must show that the plaintiff was detained in a reasonable manner and for a reasonable amount of time, not to exceed one hour.

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# LAND USE & PLANNING

786-7409

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## **SSB 5305: REVIEWING THE STATE'S NEED FOR CONSTRUCTION AGGREGATES**

*Prime Sponsor: Senator Mulliken*

- A nine person committee is created to study whether the supply of aggregate in the state is sufficient to fulfill comprehensive plan requirements under the Growth Management Act.
- The committee will evaluate permit efficiency and the regulation of aggregate and affiliated industries.
- A report of the committee's findings will be submitted to the Legislature no later than December 15, 2003.

## **SSB 5409: PROVIDING FOR DIRECT PETITION ANNEXATIONS**

*Prime Sponsor: Senator Mulliken*

*(SHB 1231 Representative Romero)*

- An alternative method of annexation, which meets the constitutional requirements of a recent Washington State Supreme Court decision, is created.
- Uninhabited land can be annexed if a petition is signed by a majority of the owners in acreage. Inhabited land can be annexed if a petition is signed by a majority of the owners in acreage and a majority of the registered voters residing in an area to be annexed.

## **SB 5507: CLARIFYING WHO HAS STANDING REGARDING GROWTH MANAGEMENT HEARINGS BOARD HEARINGS**

*Prime Sponsor: Senator T. Sheldon*

- The requirement under the Growth Management Act for "participation" standing before a Growth Management Hearings Board is that a petitioner must have participated orally or in writing before the local government.
- An additional requirement to obtain "participation" standing is added and provides that only issues "reasonably related" to issues that the aggrieved person previously raised at the local level can be considered by the Board.

## **SSB 5602: ENSURING THAT HOUSING AND EMPLOYMENT GROWTH WILL BE ACCOMMODATED UNDER GMA COMPREHENSIVE PLANS**

*Prime Sponsor: Senator Kline*

*(HB 1608 Representative Upthegrove)*

- Counties and cities subject to the Growth Management Act must ensure that, taken collectively, actions to adopt or amend their comprehensive plans or development regulations provide sufficient capacity of land suitable for development within their jurisdictions.
- The requirement for sufficient capacity refers to accommodating a jurisdiction's allocated housing and employment growth as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the Office of Financial Management.

**SB 5651: AUTHORIZING LAND BANKS IN CERTAIN COUNTIES WITH LOW POPULATION DENSITIES**

*Prime Sponsor: Senator Hargrove*

*\* Signed by the Governor*

- The industrial land bank program under the Growth Management Act is amended to provide that counties meeting certain geographic requirements are eligible for the program based on population density criteria, rather than unemployment criteria.
- Jefferson and Clallam counties are eligible for the program under this provision.

**ESSB 5776: PROVIDING AN APPEAL PROCESS FOR STATE AGENCY AND LOCAL GOVERNMENT PERMIT DECISIONS FOR ECONOMIC DEVELOPMENT PROJECTS**

*Prime Sponsor: Senator Doumit*

- A uniform, expedited, and coordinated permit appeal process is authorized as the exclusive process for review of final state agency and local government environmental and land use permit decisions for certain economic development projects.
- Permit decision appeals for a qualifying project are consolidated before a single board within the Environmental Hearings Office. Decisions of the board are appealable for direct review by the Court of Appeals.

**SSB 5786: CLARIFYING THE SCOPE OF INDUSTRIAL USES ALLOWED IN RURAL AREAS UNDER GMA**

*Prime Sponsor: Senator T. Sheldon*

- Industrial "uses" are permitted under the Growth Management Act in both industrial and mixed-use areas in certain types of Limited Areas of More Intensive Rural Development (LAMIRDs).
- Industrial uses within specified LAMIRDs are not required to be principally designed to serve the existing and projected rural population in order to be lawfully zoned.

**SSB 6012: CODIFYING SHORELINE RULES**

*Prime Sponsor: Senator Mulliken*

*(HB 2178 Representative Schindler)*

- The Department of Ecology (DOE) may adopt amendments to the shorelines guidelines no more than once per year and the amendments must be related to technical, procedural, or compliance issues.
  - \* ESHB 1769 was incorporated in its entirety into SSB 6012, as described in the bullets below.*
- A staggered statutory schedule for the update of shoreline master programs, running from 2005 to 2014 and every seven years after the initial deadline, is established.
- Limits on grants from DOE to local governments for master program reviews are removed and new requirements for the receipt of such grants are created.

**SHB 1707: REVISING ENVIRONMENTAL REVIEW PROVISIONS TO IMPROVE THE DEVELOPMENT APPROVAL PROCESS AND ENHANCE ECONOMIC DEVELOPMENT**

*Prime Sponsor: Representative Jarrett*

- Counties and cities subject to the Growth Management Act (GMA) are authorized to adopt categorical exemptions to the State Environmental Policy Act (SEPA) for certain development in urban growth areas

that is consistent with adopted comprehensive plans that have been analyzed through an environmental impact statement.

- If the adverse environmental impacts of a proposed project are addressed by development regulations or mitigation requirements of an adopted comprehensive plan and the proposed project is consistent with them, then the GMA jurisdiction must determine for the proposed project that adequate SEPA analysis and mitigation is provided in the regulations and plan mitigation requirements.

### **SHB 1734: UPDATING THE STATE BUILDING CODE**

*Prime Sponsor: Representative Romero*

*(SB 5855 Senator Mulliken)*

- The State Building Code is amended to replace the Uniform Codes and standards with the International Codes and standards, including the building code, residential code, fire code, and mechanical code. The Uniform Plumbing Code and standards are not affected by the bill.
- The International Residential Code does not take precedence over existing statutory provisions regulating the electrical, plumbing, or energy codes.
- The State Building Code Council is required to adopt the International Codes and to solicit input on firefighter safety and housing affordability issues during the code adoption process.

### **SHB 1755: CREATING ALTERNATIVE MEANS FOR ANNEXATION OF UNINCORPORATED ISLANDS OF TERRITORY**

*Prime Sponsor: Representative Kirby*

- A two-prong alternative annexation method is created to allow local governments planning under the Growth Management Act (GMA) to annex certain unincorporated island territory: (1) a negotiated interlocal agreement between the city or town and the county is established; and (2) a public hearing must be held and any adopted ordinances are subject to referendum.
- This alternative method of annexation is available only to the counties and the cities therein that are subject to the "buildable lands" review and evaluation program of the GMA, (Clark, King, Kitsap, Pierce, Snohomish, and Thurston).

### **ESHB 1769: ESTABLISHING A SCHEDULE OF TIME LIMITS UNDER WHICH LOCAL GOVERNMENTS MUST DEVELOP OR AMEND SHORELINE MASTER PLANS**

*Prime Sponsor: Representative Romero*

*(SB 5551 Senator Mulliken)*

\* *ESHB 1769 is incorporated in its entirety into SSB 6012.*

### **ESHB 1933: DECLARING SHORELINE MANAGEMENT ACT LEGISLATIVE INTENT**

*Prime Sponsor: Representative Berkey*

*(SB 5880 Senator Reardon)*

- Legislative intent is for all of the goals and policies of the Growth Management Act to continue to be listed without an order of priority.
- Shorelines are not deemed to be critical areas solely because they are designated "shorelines of statewide significance."
- Jurisdiction over critical areas is clarified, as is the role of the Department of Ecology and the Growth Management Hearings Boards in the approval and review of shoreline master programs.

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# NATURAL RESOURCES, ENERGY & WATER

786-7455

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**SSB 5006: ALLOWING NONCONSUMPTIVE WILDLIFE ACTIVITIES ON PUBLIC LANDS**

*Prime Sponsor: Senator Jacobsen*

- State lands leased for grazing and agricultural purposes can be open to the public for wildlife viewing and other wildlife activities when permitted by the Department of Natural Resources.
- The Board of Natural Resources will define the activities that will be allowed on leased state lands.

**ESB 5014: AUTHORIZING A NEW SUBACCOUNT IN THE PUBLIC WORKS ASSISTANCE ACCOUNT**

*Prime Sponsor: Senator Honeyford*

*(HB 1533 Representative Schoesler)*

- A subaccount is created in the Public Works Assistance Account to receive appropriations for distribution as grants for local government water storage and water systems facilities projects.
- Projects funded from the subaccount must comply with competitive bid requirements generally applicable to Public Works Assistance Account projects. Interest earned on subaccount funds will be deposited into the subaccount.

**SB 5042: CONCERNING THE DEPARTMENT OF NATURAL RESOURCES CONTRACTUAL AUTHORITY**

*Prime Sponsor: Senator T. Sheldon*

*(HB 1249 Representative Rockefeller)*

- The Department of Natural Resources (DNR) is granted discretionary authority to indemnify other contracting parties against loss or damages.
- DNR must indemnify a private landowner when that landowner does not receive a direct benefit from a right of way or easement contract to cross private land for forest management activities.
- DNR is not authorized to indemnify others against liability for negligence related to construction, alteration or improvement of structures, or improvements attached to real estate.

**ESB 5073: ADOPTING PROVISIONS FOR COOPERATIVE WATERSHED MANAGEMENT PLANS**

*Prime Sponsor: Senator Fraser*

- Local government entities with water-related services and functions can expend up to 10 percent of their existing water-related revenues on activities and projects related to the implementation of watershed plans.
- Public agencies are expressly allowed to form watershed management partnerships to coordinate plan implementation, submit revenue proposals at general or special elections, contract indebtedness, and issue and sell general obligation and revenue bonds.
- Authorized activities include oversight of plan implementation, technical support, monitoring, work toward implementing various types of management plans, and projects in the areas of water supply, water quality, and habitat protection.

**2SSB 5074: ESTABLISHING CONTRACT HARVESTING OF TIMBER ON STATE TRUST LANDS**

*Prime Sponsor: Senator Morton*

*(HB 1245 Representative Linville)*

- The Department of Natural Resources (DNR) is authorized to use a contract harvesting process to sell up to 10 percent of the total annual volume of state forest land timber offered for sale. DNR will contract directly with harvesters and will sort and sell the timber.
- A Contract Harvesting Revolving Account is created to handle receipts and to disburse funds from the contract harvest program.

**SB 5076: DETERMINING A "HIGHEST RESPONSIBLE BIDDER" FOR VALUABLE MATERIALS FROM STATE-OWNED AQUATIC LANDS**

*Prime Sponsor: Senator Morton*

*(HB 1247 Representative Eickmeyer)*

*\* Signed by the Governor*

- When determining the highest responsible bidder for a sale of valuable materials from state-owned aquatic lands, the Department of Natural Resources (DNR) may consider whether a bidder was determined to be the highest responsible bidder for a sale within the past five years, but failed to complete the sale.
- DNR may not consider sales bid prior to January 1, 2003.

**SSB 5088: RECOGNIZING THAT THE USE OF CERTAIN LAND IN TACOMA, FOR SCHOOL PURPOSES, IS VALID AND MEETS THE REQUIREMENTS OF SECTION 2, CHAPTER 123, LAWS OF 1907**

*Prime Sponsor: Senator Regala*

*\* Signed by the Governor*

- A portion of property currently used as a playground at Jefferson Elementary School in Tacoma may be used for the expansion of school buildings. The Legislature gave the land to Tacoma in 1907 and the allowable use had to be clarified before building of the new school can begin.

**SSB 5144: PROTECTING FOREST LAND FROM EXOTIC FOREST INSECTS OR DISEASES**

*Prime Sponsor: Senator Morton*

*(HB 1251 Representative Eickmeyer)*

- The Department of Natural Resources (DNR) and the Department of Agriculture (DOA) will work together to control forest invasive insects and diseases and a forest practices permit will not be required for these emergency activities.
- DNR and DOA will coordinate their programs to monitor and control Sudden Oak Death Syndrome, which has started to attack Douglas Fir trees in addition to oak trees.

**ESB 5343: ALLOWING WRIA 40 TO BE DIVIDED FOR THE PURPOSES OF CHAPTER 90.82 RCW**

*Prime Sponsor: Senator Parlette*

- Water Resource Inventory Area (WRIA) 40 is split into two separate WRIA planning segments, 40a (the Stemilt and Squilchuck watershed subbasins) and 40b (the remainder of WRIA 40).
- WRIA 40a is eligible for one-fourth of the funding available for a single WRIA, and WRIA 40b is eligible for the remaining funds.

**SSB 5575: CONCERNING SMALL IRRIGATION IMPOUNDMENTS**

*Prime Sponsor: Senator Parlette*

- Subject to certain limitations, the following irrigation facilities are exempt from reservoir and secondary water use permitting requirements: (1) facilities for recapturing and reusing return flows from irrigation operations serving a single farm under an existing water right; and (2) "small irrigation impoundments," lined surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right.

**ESSB 5586: GRANTING AUTHORITY TO ADDRESS CONCERNS WITH LEAD-BASED PAINT ACTIVITIES**

*Prime Sponsor: Senator Hargrove*

*(2SHB 1913 Representative Darneille)*

- The Department of Community, Trade, and Economic Development (CTED) must administer and enforce a state program for worker training and certification, and training program accreditation for lead-based paint activities.
- Lead-based paint activities include inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, and abatement of lead-based paint hazards. Abatement does not include renovation, remodeling, landscaping, or other activities not designed to permanently eliminate lead-based paint hazards.
- CTED is authorized to inspect premises or facilities where violations concerning lead-based paint activities may occur.
- The program is terminated if sufficient funding is not provided by the federal government or if the federal government does not authorize the state program within two years.

**SSB 5751: CONCERNING THE SALE OF VALUABLE MATERIAL FROM STATE LANDS**

*Prime Sponsor: Senator Hargrove*

- The \$20,000 cap on direct sales of valuable materials from state lands is increased to \$25,000.
- The Internet can be used as an additional method for public notice and to increase interest in sales.
- Sales under \$250,000 do not have to be separately published in pamphlet form.

**SSB 5787: PROTECTING WATER QUALITY**

*Prime Sponsor: Senator Morton*

*(HB 1876 Representative Linville)*

- The Department of Ecology (DOE) is authorized to require use of a leaching test to determine whether fill material used in construction projects poses an unacceptable risk of violating water quality standards. Prior use of this test, for projects not completed by June 1, 2003, is approved.
- DOE is directed to identify and evaluate available leaching tests and to report to the Legislature by December 31, 2003.

**SJM 8000: REQUESTING THE FEDERAL ENERGY REGULATORY COMMISSION TO WITHDRAW A PROPOSAL AFFECTING ELECTRICITY**

*Prime Sponsor: Senator Fraser*

- The Federal Energy Regulatory Commission (FERC) is requested to withdraw its Notice of Proposed Rulemaking establishing a Standard Market Design (SMD) for electricity.

- The SMD proposal requires a competitive market-based structure that changes the way the transmission system is operated, expands FERC's authority, and adversely affects the regional benefits derived from public power.
- In the event that FERC does not withdraw its proposal, the President and Congress are requested to prevent the establishment of a standard market design for electricity.

**SSJM 8002: REQUESTING FOREST HEALTH-RELATED MANAGEMENT ACTIVITIES ON ALL STATE AND NATIONAL FORESTS IN WASHINGTON STATE**

*Prime Sponsor: Senator Morton*

- The Legislature requests that forest health activities on all forest lands be accelerated and that Congress fully fund the United States Forest Service forest improvement programs.
- Forest management actions that reduce forest fire danger and forest disease are encouraged for federal, state, and private lands.

**SJM 8012: ASKING THE FEDERAL ENERGY REGULATORY COMMISSION TO WITHDRAW A NEW PRICING POLICY PROPOSAL**

*Prime Sponsor: Senator Fraser*

- The Federal Energy Regulatory Commission (FERC) recently proposed incentives, including a new pricing policy, designed to encourage owners of electric transmission facilities to transfer their facilities to regional transmission organizations.
- FERC is requested to withdraw its proposed new pricing policy until a cost-benefit analysis indicates a positive benefit for Northwest consumers. If the proposal is not withdrawn, the President and Congress are requested to prevent FERC from proceeding with its proposal.

**ESHB 1002: REDUCING THE RELEASE OF MERCURY INTO THE ENVIRONMENT**

*Prime Sponsor: Representative Hunt*

*(SB 5124 Senator Swecker)*

- Sale of mercury-containing novelties is prohibited, and restrictions are placed on the sale of mercury-containing blood pressure manometers, thermometers, thermostats, and motor vehicles. Fluorescent lamps that contain mercury must meet specified labeling requirements.
- Products that do not contain mercury must be given priority and preference in state purchasing. Schools may not buy bulk mercury for classroom use and must dispose of existing mercury from science classrooms.
- The Department of Ecology must petition the United States Environmental Protection Agency to develop a national mercury repository. The Department of Health must develop a mercury disposal education plan.

**2SHB 1095: LIMITING THE IMPACT ON SMALL FOREST LANDOWNERS CAUSED BY FOREST ROAD MAINTENANCE AND ABANDONMENT REQUIREMENTS**

*Prime Sponsor: Representative Rockefeller*

*(SB 5298 Senator Morton)*

- "Small forest landowner" is defined to mean a landowner who has harvested no more than two million board feet of timber each year in the last three years and plans to harvest no more than two million board feet each year over the next ten years. "Forest land" is defined to exclude land with agricultural uses and home sites up to five acres.



- Rather than a full plan, small forest landowners will only be required to submit a road maintenance and abandonment checklist. The checklist plans will not be subject to the continuing obligation road requirements of the Forest Practice Rules.
- A cost share program is established to provide financial assistance to small forest landowners.
- The Department of Natural Resources will develop a list of prioritized fish passage barrier assessments to assist small forest landowners.

### **SHB 1113: REGARDING IRRIGATION DISTRICT BOARDS OF JOINT CONTROL**

*Prime Sponsor: Representative Hinkle*

- Certain private and public water-related entities are allowed to establish or join a board of joint control with an irrigation district and/or a federal reclamation operating entity. These new entities must be allocated less than 50 percent of the votes on such a board of joint control.
- The definition of "joint use facilities" is amended to include ditches and natural streams in which irrigation entities have rights of conveyance. The definition of "source of water" is amended to include tributary systems.
- A board of joint control created after January 1, 2003, must notify the Department of Ecology and any Indian tribe requesting notice of transfers of water between board of joint control entities.

### **ESHB 1242: ESTABLISHING REQUIREMENTS FOR THE USE OF BIODIESEL BY STATE AGENCIES**

*Prime Sponsor: Representative Sullivan*

*\* Signed by the Governor*

- Biodiesel is a non-petroleum diesel fuel produced from renewable sources such as vegetable oils, animal fats, and recycled cooking oils. Ultra-low sulfur diesel (ULSD) fuel is a specially refined diesel fuel that has lower sulfur content. The U.S. Environmental Protection Agency requires that all on-highway diesel fuel must meet the ULSD fuel standards beginning in 2006.
- All state agencies are encouraged to use a blend of 20 percent biodiesel (commonly referred to as B20) with petroleum diesel for diesel fuel vehicles. By June 1, 2006, state agencies must use biodiesel as an additive to ULSD fuel in an amount not less than 2 percent biodiesel if the performance and cost is comparable to other additives.

### **ESHB 1243: ESTABLISHING A BIODIESEL PILOT PROJECT FOR SCHOOL TRANSPORTATION**

*Prime Sponsor: Representative Sullivan*

*\* Signed by the Governor*

- Biodiesel is a non-petroleum diesel fuel produced from renewable sources such as vegetable oils, animal fats, and recycled cooking oils. Ultra-low sulfur diesel (ULSD) fuel is a specially refined diesel fuel that has lower sulfur content. The U.S. Environmental Protection Agency (EPA) requires that all on-highway diesel fuel must meet the ULSD fuel standards beginning in 2006.
- The Office of the Superintendent of Public Instruction (OSPI) must conduct a pilot project in two school districts, using biodiesel along with ULSD fuel in diesel engine school buses. Priority is given to districts located in geographic areas identified by EPA as areas of concern for pollution emissions.
- The OSPI must report findings from the pilot project by September 1, 2005.

**HB 1246: AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO ACCEPT GIFTS OF AQUATIC LAND**

*Prime Sponsor: Representative Linville*

*(SB 5075 Senator Morton)*

- The Department of Natural Resources is authorized to accept gifts of tidelands or shorelands and manage them for public access, water-dependent uses, renewable resources, and generation of revenue for the public benefit, including environmental protection and recreation.
- This authorization applies to past, as well as future, gifts.
- Before a gift can be accepted, there must be an appraisal, an environmental assessment, and a title report approved by the Attorney General.

**SHB 1250: DETERMINING ANNUAL RENTAL RATES FOR THE LEASE OF STATE-OWNED AQUATIC LANDS FOR QUALIFYING MARINAS**

*Prime Sponsor: Representative Eickmeyer*

*(SB 5041 Senator Morton)*

- The rent formula for all marinas leases will be established as a percentage of the marina's gross revenue.
- The Department of Natural Resources, working with the marina owners, will develop recommendations for the 2004 Legislature to consider.
- A new formula will be phased in during 2004, and the minimum lease amount will be \$500 per year.

**EHB 1252: MAKING TECHNICAL, NONSUBSTANTIVE, CORRECTIONS TO AND RECODIFYING VARIOUS DEPARTMENT OF NATURAL RESOURCES' PUBLIC LAND STATUTES**

*Prime Sponsor: Representative Linville*

*(SB 5043 Senator Morton)*

- Statutes governing Department of Natural Resources management of state uplands are reorganized and consolidated without substantive change. Nonsubstantive revisions eliminate outdated terms.

**SHB 1380: CRIMINALIZING INTERFERENCE WITH CERTAIN MINING RIGHTS AND ACTIVITIES**

*Prime Sponsor: Representative Ericksen*

*(SB 5859 Senator Benton)*

- The crime of mineral trespass occurs when a person intentionally and without permission enters a mining claim and removes, disturbs, or damages equipment or location stakes and landmarks.
- Mineral trespass is a Class C felony and is ranked on both the juvenile and adult sentencing grids.
- The crime of mineral trespass does not apply to a public servant acting in the reasonable exercise of government authority.

**SHB 1409: MAKING LITTER THAT IS LIKELY TO INJURE A PERSON OR DAMAGE PROPERTY "POTENTIALLY DANGEROUS LITTER," MAKING IMPROPER DISPOSAL A CIVIL INFRACTION, AND AUTHORIZING COUNTIES TO ABATE A NUISANCE AT THE EXPENSE OF THE RESPONSIBLE PARTY**

*Prime Sponsor: Representative Upthegrove*

- Litter that is likely to injure a person or damage property is made "potentially dangerous litter" subject to a \$500 fine.
- Potentially dangerous litter includes: tobacco products that can start a fire, glass and glass containers, hypodermic needles or other sharps, raw human waste, and nails or tacks.
- Producing, distributing, keeping, and using litter bags is no longer required.

\* *SHB 2006 is incorporated in its entirety in SHB 1409, as described in the bullet below.*

- Counties are authorized to adopt nuisance ordinances and to abate nuisances at the expense of the responsible party, including placing a lien on the property.

**HB 1526: REVISING PROVISIONS RELATING TO COST-REIMBURSEMENT AGREEMENTS BETWEEN STATE AGENCIES AND PERMIT APPLICANTS**

*Prime Sponsor: Representative Linville*

\* *Signed by the Governor*

- Extends to July 1, 2007, authority for the departments of Ecology, Natural Resources, Health, and Fish and Wildlife, and local air pollution control authorities to enter into voluntary cost reimbursement agreements with permit applicants.
- Removes the requirement that cost-reimbursement agreements be used only for complex projects.

**ESHB 1640: AUTHORIZING WATER BANKING WITHIN THE TRUST WATER PROGRAM**

*Prime Sponsor: Representative Linville*

- The Department of Ecology (DOE) is authorized to use the state-administered Yakima River basin trust water rights program for water banking--a mechanism to transfer water rights "deposited" by water right holders into the program to third parties who need water.
- DOE may transfer "banked" water rights to third parties on a temporary or permanent basis; transferred rights may be used for any beneficial use consistent with terms specified by water right depositors.
- Procedures for and restrictions upon water banking are specified, and evaluative reports to the Legislature are mandated.

**SHB 1854: ALLOWING CITIES AND PUBLIC UTILITY DISTRICTS TO PURCHASE ENERGY, INCLUDING THE CAPABILITY TO PRODUCE ENERGY, FROM THE AGENCY**

*Prime Sponsor: Representative Crouse*

- Cities and public utility districts (PUDs) are currently authorized to purchase electric power, which is needed for present and future output, from a joint operating agency.
- Additional authority is granted to cities and PUDs to enter into contracts with joint operating agencies for the capability to produce energy (whether energy is produced or not) from qualified alternative energy resources.
- Qualified alternative energy resources include energy generated from wind, solar, geothermal, landfill gas, wave or tidal action, gas from wastewater operations, biomass energy from animal waste, and qualified hydropower.
- The newly authorized contracts may include provisions requiring the city or PUD to make payments whether or not the project is completed and allows assignment of responsibility for, what is known in the industry as, "dry hole risk."

**HB 2006: AUTHORIZING NUISANCE ABATEMENT POWERS OF COUNTY GOVERNMENTS**

*Prime Sponsor: Representative Schindler*

\* *HB 2006 is incorporated in its entirety in SHB 1409.*

**HB 2063: EXTENDING THE EXPIRATION DATE FOR REPORTING REQUIREMENTS ON  
TIMBER PURCHASES**

*Prime Sponsor: Representative Kristiansen*

- The expiration date for the requirement to report the sale price of timber to the Department of Revenue is extended from 2004 to 2007.

**EHB 2067: PERMITTING WITHDRAWALS OF PUBLIC GROUND WATERS**

*Prime Sponsor: Representative Schoesler*

- A pilot project is established in Whitman County allowing a temporary exemption for ground water withdrawals of up to 1,200 gallons per day per residence within clustered residential developments containing at least six homes and having an overall density equal to or less than one residence per ten acres.
- The Department of Ecology must report to the Legislature biennially through 2016 regarding the use of water under the pilot project and its impact on water resources in Whitman County.

**ESHB 2088: REVISING PROVISIONS RELATING TO STORM WATER RATES AND CHARGES**

*Prime Sponsor: Representative Schoesler*

- Local governments operating storm or surface water sewer systems must reduce rates and charges, by a minimum of ten percent for any new or remodeled commercial building that utilizes a properly sized permissive rainwater harvesting system.
- Greater reductions in rates shall be considered depending upon the amount of rainwater harvested.
- Counties are prohibited from imposing storm water sewer system rates and charges on lands taxed as either forest land or as timber land.

**EHB 2146: PROVIDING TAX INCENTIVES FOR WOOD BIOMASS FUEL PRODUCTION,  
DISTRIBUTION, AND SALE**

*Prime Sponsor: Representative Tom*

- Tax exemptions and deferrals are established for the manufacture, sale and distribution of biomass fuel made from wood.
- Buildings, equipment and other personal property used in the manufacture of wood biomass fuels, including the land on which the operation takes place, are exempt from property taxes for six years from the date the facility becomes operational.
- Wood used in this process may not have been chemically treated.

**SHB 2172: PROMOTING THE PURCHASE OF FUEL CELLS FOR THE USE OF DISTRIBUTIVE  
GENERATION AT STATE-OWNED FACILITIES**

*Prime Sponsor: Representative Sullivan*

- When planning for the capital construction or renovation of facilities that require an uninterrupted power source, state agencies must consider the utilization of fuel cells and renewable or alternative energy sources as a primary source of power.
- When planning the purchase of back-up or emergency power systems and remote power systems, state agencies must consider the utilization of fuel cells and renewable or alternative energy sources instead of batteries or internal combustion engines.

- The director of General Administration must develop criteria by which state agencies can identify, evaluate, and develop potential fuel cell applications at state facilities.

**HJM 4021: REQUESTING THAT THE BONNEVILLE POWER ADMINISTRATION NOT RAISE RATES**

*Prime Sponsor: Representative Wallace*

- The Legislature requests that the Bonneville Power Administration not adopt a rate increase at this time, unless necessary to preserve its bond rating.

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# PARKS, FISH & WILDLIFE

786-7419

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## **SB 5011: PROMOTING WILDLIFE VIEWING**

*Prime Sponsor: Senator Jacobsen*

- State wildlife programs must be managed so as to support wildlife viewing tourism while not impairing wildlife resources.
- The Department of Fish and Wildlife and the Department of Community, Trade and Economic Development must hold a conference to adopt a strategic plan for promoting wildlife viewing tourism while providing sustainable rural economic development and maintaining wildlife diversity. Local governments, state agencies, and stakeholders must be included, and a report to the Legislature must be submitted by December 15, 2003.

## **SSB 5062: CREATING THE PUGET SOUND RECREATIONAL FISHERIES ENHANCEMENT OVERSIGHT COMMITTEE**

*Prime Sponsor: Senator Doumit*

*(HB 2185 Representative Cooper)*

- An oversight committee of recreational fishers is created to advise the Department of Fish and Wildlife on all aspects of the Puget Sound Recreational Fisheries Enhancement program.
- Puget Sound recreational fisheries enhancement funds may not be used to backfill shortfalls in other state funding sources.

## **SSB 5179: ALLOWING THE USE OF BODY-GRIPPING TRAPS IN CERTAIN CIRCUMSTANCES**

*Prime Sponsor: Senator Oke*

\* *HB 1254 is incorporated in its entirety into SSB 5179, as described in the bullets below.*

- Use of body-gripping traps with teeth or serrated edges is not allowed. Use of other body-gripping traps requires a permit and must be done by a licensed trapper. Permits can be issued to prevent damage or injury, respond to emergencies, and protect endangered species and habitat and are limited to addressing an animal problem, a nuisance bird problem, falconry, furbearer management, and scientific research.
- These requirements do not apply to property owners using commonly used traps to control moles, mice, rats, mountain beavers, gophers, and nutria. All federal wildlife management agencies and their agents are exempt.
- Dealing in pelts of animals lawfully trapped according to the established requirements is not prohibited.

## **SSB 5204: PROVIDING OPPORTUNITIES FOR WILDLIFE VIEWING**

*Prime Sponsor: Senator Oke*

- The Department of Fish and Wildlife may sell a watchable wildlife decal. A vehicle use permit for department access sites must be issued with each decal.
- Proceeds from the decal must be used by the department to enhance non-consumptive wildlife activities, including assisting communities with the development of wildlife events, trails, and brochures.

**ESSB 5785: CONCERNING THE USE OF A NONHIGHWAY VEHICLE ON CERTAIN NONHIGHWAY ROADS OR TRAILS THAT ARE RESTRICTED TO PEDESTRIAN OR ANIMAL TRAVEL**

*Prime Sponsor: Senator Parlette*

- Clarifies that state motor vehicle law does not restrict nonhighway roads or trails to pedestrians or animals, making it a traffic infraction to operate an off-road vehicle (ORV) there; rather, state motor vehicle law only makes it a traffic infraction, if a road or trail has been restricted to pedestrians or animals by the landowner or local governing authority.
- Clarifies that landowners or local governing authorities are not preempted from opening nonhighway roads or trails to ORV use by disabled recreationists.

**SB 5865: INCLUDING RECREATION FACILITIES UNDER CERTAIN PUBLIC FACILITIES DISTRICTS' AUTHORITY**

*Prime Sponsor: Senator B. Sheldon*

- In addition to existing authorities, public facilities districts created after January 1, 2000, may acquire, construct and operate recreation facilities.

**SB 5893: ALLOWING THE FISH AND WILDLIFE COMMISSION TO SET A TRANSACTION FEE ON RECREATIONAL DOCUMENTS ISSUED THROUGH AN AUTOMATED LICENSING SYSTEM**

*Prime Sponsor: Senator Oke*

- The authority for the Fish and Wildlife Commission to set a transaction fee for any recreational document issued through the automated license system is clarified.

**SB 5898: STUDYING RECREATIONAL BOATING SAFETY**

*Prime Sponsor: Senator Oke*

*(HB 2075 Representative Romero)*

- The Parks and Recreation Commission and the Boating Safety Council will develop recommendations for reducing boating accidents and implementing homeland safety precautions.
- The commission will also identify costs and funding sources and report to the Legislature by January 1, 2004.

**SHB 1057: CREATING THE LICENSE SUSPENSION REVIEW COMMITTEE**

*Prime Sponsor: Representative Hatfield*

*(SB 5163 Senator Doumit)*

- Suspension of a commercial fishing license is made discretionary, rather than mandatory, and is intended to occur only when the facts indicate a willful act that undermines conservation of fish stocks. Specified quantities and values of illegal catch are established as thresholds for license suspension.
- The license suspension review committee is created to inquire into the specific circumstances and any mitigating factors if a license suspension order is appealed. The committee's opinion must be considered, and the license suspension may be issued, not issued, or modified.

**SHB 1127: CONCERNING THE DIRECT RETAIL SALE OF SALMON, CRAB, AND STURGEON**

*Prime Sponsor: Representative Hatfield*

*(SB 5426 Senator Oke)*

- The scope of the "direct retail endorsement" on commercial fishing licenses is expanded so that commercial fishers can sell sturgeon, salmon and crab directly to the retail market and to restaurants.
- Technical amendments are made to clarify the retail endorsement program.

**SHB 1136: IMPLEMENTING THE RECOMMENDATIONS OF THE STATE PARKS AND OUTDOOR RECREATION FUNDING TASK FORCE RELATING TO THE USE OF THE OUTDOOR RECREATION ACCOUNT**

*Prime Sponsor: Representative Flannigan*

*(SB 5112 Senator Oke)*

- The percentage of the Washington Wildlife and Recreation Program allocation for State Parks that must be used for new park acquisition is decreased from at least 75 percent to at least 50 percent. Remaining funds may be used for park development.

**HB 1144: ALLOWING THE DEPARTMENT OF FISH AND WILDLIFE TO USE APPROVED CONTROLLED SUBSTANCES FOR CHEMICAL CAPTURE PROGRAMS**

*Prime Sponsor: Representative Haigh*

*(SB 5203 Senator Oke)*

- The Board of Pharmacy and the Department of Health are authorized to allow use of controlled substances by Department of Fish and Wildlife (DFW) personnel for capturing wildlife.
- This ability to use controlled substances must be suspended or revoked if a person administering them does not have adequate knowledge and training.

**HB 1254: CREATING A HUMANE, REGULATED ANIMAL TRAPPING PROGRAM.**

*Prime Sponsor: Representative Buck*

*\* HB 1254 is incorporated in its entirety into SSB 5179.*

**HB 1289: CONCERNING TEMPORARY FISHING LICENSES**

*Prime Sponsor: Representative Hinkle*

- Military personnel are exempt from the prohibition on using a temporary fishing license during the first eight days of the lake fishing season.

**SHB 1335: CONTINUING THE DEVELOPMENT OF WATER TRAIL SITES IN WASHINGTON STATE**

*Prime Sponsor: Representative Cooper*

*(SB 5320 Senator Oke)*

- The water trail permit, water trail permit account, and water trail advisory committee are each eliminated.
- The State Parks and Recreation Commission will continue to develop water trail sites and support the water trail program.



**SHB 1512: ALLOWING SPECIAL HUNTS TO REDUCE CROP DAMAGE CAUSED BY WILDLIFE**

*Prime Sponsor: Representative Cox*

- The Fish and Wildlife Commission may authorize one or two antlerless permits per hunter for special hunts held in areas where six incidents of wildlife damage have occurred.
- As an alternative to hunting, the deer or elk may be relocated or the Commission may take other remedial action.

**2SHB 1698: CONCERNING THE DISTRIBUTION AND USE OF FUNDS PROVIDED TO OFF-ROAD VEHICLE AND NONHIGHWAY ROAD RECREATIONAL ACTIVITIES**

*Prime Sponsor: Representative Cooper*

- The composition of the nonhighway and off-road vehicle advisory committee is revised to reflect the results of the most recent study of recreational fuel use.
- The committee must recommend changes to the statutory formula for distribution of nonhighway and off-road vehicle funds. The recommendations must be consistent with the results of the fuel use study and address the needs of existing facilities.

**2SHB 1725: CONCERNING THE COST OF A CATCH RECORD CARD**

*Prime Sponsor: Representative Cooper*

*(SB 5207 Senator Oke)*

- A fee of \$10 is authorized for duplicate or additional catch record cards. Funds are deposited in the state wildlife account.

**2SHB 1887: CREATING THE COMMERCIAL FISHERIES PERMIT BUYBACK ACCOUNT**

*Prime Sponsor: Representative Linville*

- The Fish and Wildlife Commission must set a fee on all commercial landings of groundfish, ocean pink shrimp, and coastal Dungeness crab to repay the federal government for the federal groundfish license buyback program.
- A person participating in the federal groundfish license buyback program may not reenter the coastal Dungeness crab fishery for ten years.

**HB 1972: MAKING A COMMERCIAL FISH SELLER'S FAILURE TO ACCOUNT FOR COMMERCIAL HARVEST A MISDEMEANOR**

*Prime Sponsor: Representative Hatfield*

*(SB 5872 Senator Oke)*

- A retail fish seller must account for the sale of fish.
- Failure to report fish sales to the Department of Fish and Wildlife is a misdemeanor.

**HB 1993: AUTHORIZING THE PARKS AND RECREATION COMMISSION TO RENT CERTAIN UNDEVELOPED LAND FOR A TERM OF FORTY YEARS**

*Prime Sponsor: Representative Cooper*

*(SB 5647 Senator Oke)*

- The maximum term for the lease of undeveloped State Parks lands for grazing, agricultural, or mineral uses is increased from 10 to 40 years.

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# TECHNOLOGY & COMMUNICATIONS

786-7456

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## **ESSB 5299: CONCERNING TARIFF AND PRICE LIST NOTICES**

*Prime Sponsor: Senator Stevens*

*(HB 1286 Representative Ruderman)*

- Promotional tariffs or offerings, which are temporary changes that waive or reduce charges or conditions of service for existing or new telephone customers, are effective upon filing with the Washington Utilities and Transportation Commission.

## **SSB 5545: USING FEES TO DEVELOP AND MAINTAIN A WEB-BASED VITAL RECORDS SYSTEM**

*Prime Sponsor: Senator Esser*

*(HB 1578 Representative Haigh)*

- The state and local fee for a certified copy of a birth or death certificate is raised from \$13 to \$17 to implement an electronic death registration system.
- A county may assess an additional fee on credit or debit card payments in order to recover the cost of processing the payments.

## **SB 5574: CLARIFYING DISTRICT COURT JURISDICTION OVER ACTIONS INVOLVING COMMERCIAL ELECTRONIC MAIL**

*Prime Sponsor: Senator Finkbeiner*

*(HB 1287 Representative Lovick)*

*\* Signed by the Governor*

- Clarifies that the district courts in Washington State have jurisdiction over actions brought against resident and non-resident senders of spam who violate Washington's anti-spam law.

## **SB 5632: REGARDING UTILITY RELOCATION COSTS**

*Prime Sponsor: Senator Esser*

*(HB 1006 Representative Morris)*

*\* NOTE: The Governor vetoed SB 5574 in its entirety.*

- A regional transit authority must pay for the costs of removing or relocating utility facilities that result from the construction, alteration, repair, or improvement of an authority's rail system.

## **SB 5959: PROVIDING ACCESS PERMITS FOR THE DEPLOYMENT OF PERSONAL WIRELESS FACILITIES OFF LIMITED ACCESS HIGHWAYS**

*Prime Sponsor: Senator Esser*

- Wireless telecommunications companies may use limited access highways to reach wireless facilities that are located next to the highways.

**ESSB 5977: REQUIRING THE DEPARTMENT OF TRANSPORTATION TO ALLOW THE DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES IN STATE HIGHWAY RIGHTS OF WAY**

*Prime Sponsor: Senator Esser*

- The Department of Transportation must establish a process for issuing leases for the use of highway rights of way by wireless telecommunications companies.

**2SHB 1003: ESTABLISHING THE INVESTING IN INNOVATION GRANTS PROGRAM**

*Prime Sponsor: Representative Morris*

- The Washington Technology Center must establish a process, including a peer review committee, for awarding innovation grants to qualifying universities, institutions, businesses, or individuals.
- The Investing in Innovation Account is created. Up to 50 percent of available funds may be used to support commercialization opportunities for research in the state.

**SHB 1271: ENHANCING INTEROPERABILITY OF EMERGENCY COMMUNICATIONS**

*Prime Sponsor: Representative Anderson*

*\* Signed by the Governor*

- The State Interoperability Executive Committee is established within the Department of Information Services.
- Committee responsibilities include: (1) planning and developing policies and making recommendations for wireless radio communication technical standards to the Information Services Board; (2) making an inventory of state and local government-owned public safety communications systems; and (3) creating a statewide public safety communications plan.

**SHB 1605: CREATING A STATEWIDE JUSTICE INFORMATION NETWORK**

*Prime Sponsor: Representative Ruderman*

*(SB 5648 Senator Schmidt)*

- The Integrated Justice Information Board is created to implement a statewide justice information network.
- The board must report to the Governor, the Supreme Court, and the Legislature by September 1, 2004, and at least every two years thereafter, with recommendations for improving the integration of criminal justice information systems.

**SHB 1624: MODIFYING PROVISIONS OF THE WASHINGTON TELEPHONE ASSISTANCE PROGRAM**

*Prime Sponsor: Representative Hudgins*

*(SB 5591 Senator Schmidt)*

- The Washington Telephone Assistance Program (WTAP) is made permanent. The Department of Social and Health Services and the Washington Utilities and Transportation Commission must consult with the Department of Community, Trade, and Economic Development to adopt rules necessary to implement a Community Voice Mail service system as part of the WTAP system.

**SHB 1722: LIMITING THE TAXABILITY OF CERTAIN INTERNET TRANSACTIONS**

*Prime Sponsor: Representative Gombosky*

*(SB 5690 Senator Rossi)*

**\* Signed by the Governor**

- A person doing business in Washington, whether conducted directly or through another person, is not liable for the business and occupation (B&O) tax or required to collect sales or use tax under the following conditions: (1) the person's business is conducted via a web site on computer equipment that is located in Washington and is owned by an unaffiliated third party; and (2) the person's business is limited to: (a) the storage, dissemination, or display of advertising, (b) the taking of orders, or (c) the processing of payments.

**SHB 2007: PROHIBITING UNSOLICITED COMMERCIAL TEXT MESSAGES**

*Prime Sponsor: Representative Nixon*

*(SB 5925 Senator Finkbeiner)*

- Sending unsolicited commercial text messages to pagers and cellular phones is prohibited unless the message is sent by the subscriber's cellular or pager service at no charge to the subscriber and the subscriber has not indicated he or she is unwilling to receive such messages from his or her service provider.

**SHB 2027: REGULATING THE SALE OF CIGARETTES**

*Prime Sponsor: Representative Kirby*

*(SB 5926 Senator Esser)*

- Sellers who mail, ship, or deliver cigarettes must verify the age of the buyer before shipment to a Washington address and must use a delivery service that will confirm the age of the recipient of the package upon delivery of the package.
- Sellers must file business information with the Department of Revenue, including a monthly statement of sales made to Washington addresses; must collect and remit all cigarette taxes imposed by Washington; and must comply with requests from the Liquor Control Board to inspect books, documents, or records of any person who delivers cigarettes.

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# WAYS & MEANS

786-7715

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**SB 5090: DETERMINING WHICH FIRE FIGHTERS OR LAW ENFORCEMENT OFFICERS MAY ELECT OR BE ELECTED TO CERTAIN PENSION AND DISABILITY BOARDS.**

*Prime Sponsor: Senator Carlson*

*(HB 1198 Representative Pflug)*

*\* Signed by the Governor*

- Restricts eligibility to vote in the city and county Law Enforcement Officers' and Fire Fighters' Plan 1 disability board elections to members subject to the jurisdiction of the board.
- Allows members of the Law Enforcement Officers' and Fire Fighters' Plan 2 to be elected to the disability boards, but not cast votes in board elections.

**SB 5094: PROVIDING OPTIONAL SERVICE CREDIT FOR SUBSTITUTE SERVICE TO MEMBERS OF THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM.**

*Prime Sponsor: Senator Carlson*

*(HB 1203 Representative Conway)*

- Makes the purchase of service credit in the School Employees' Retirement System optional for substitute classified school district employees who become eligible for such credit by working five or more months of at least 70 hours.

**SB 5096: ALLOWING MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM PLAN 1 TO USE EXTENDED SCHOOL YEARS FOR CALCULATION OF THEIR EARNABLE COMPENSATION.**

*Prime Sponsor: Senator Regala*

*(HB 1199 Representative Fromhold)*

*\* Signed by the Governor*

- Allows members of the Teachers' Retirement System Plan 1 in extended school year programs to use either two consecutive fiscal years or two consecutive extended school years, as defined by their school districts, for the purpose of calculating their pension benefits.

**SB 5100: PAYING SURVIVOR BENEFITS IN ACCORDANCE WITH TITLE 26 U.S.C. SEC. 101(H) AS AMENDED BY THE FALLEN HERO SURVIVOR BENEFIT FAIRNESS ACT OF 2001.**

*Prime Sponsor: Senator Fraser*

*(HB 1208 Representative Cooper)*

*\* Signed by the Governor*

- Provides federal income tax-exempt pension payments to qualified survivor beneficiaries of public safety officers belonging to the Public Employees Retirement System, the Law Enforcement Officers' and Fire Fighters' Retirement System, and the Washington State Patrol Retirement System who died in the line of duty.

**SSB 5403: MAKING SUPPLEMENTAL OPERATING APPROPRIATIONS**

*Prime Sponsor: Senator Rossi*

*\* NOTE: Signed by the Governor/Partial Veto*

- State appropriations for the 2001-03 fiscal biennium are modified.

- Biennial appropriations from the state General Fund are increased by \$144.2 million to reflect increased caseloads in social service programs.
- Appropriations from the state's dedicated accounts are reduced, primarily due to lowered appropriations for the Basic Health Plan. The net reduction in total appropriations, including the state General Fund and all dedicated accounts, is \$471.3 million.

**SB 5425: INCREASING THE AUTHORIZED TOTAL OUTSTANDING INDEBTEDNESS OF THE HIGHER EDUCATION FACILITIES AUTHORITY**

*Prime Sponsor: Senator Winsley*

*\* Signed by the Governor*

- In 1983, the Legislature authorized the Washington Higher Education Facilities Authority to issue tax-exempt bonds on behalf of private nonprofit colleges and universities to build, improve, and equip higher education facilities in a manner that minimizes capital costs.
- The total allowable bonded indebtedness of the authority is increased from \$500 million to \$1 billion.

**SSB 5545: USING FEES TO DEVELOP AND MAINTAIN A WEB-BASED VITAL RECORDS SYSTEM**

*Prime Sponsor: Senator Esser*

*(HB 1578 Representative Haigh)*

- The state and local fee for a certified copy of a birth or death certificate is raised from \$13 to \$17 to implement an electronic death registration system.
- A county may assess an additional fee on credit or debit card payments in order to recover the cost of processing the payments.

**SB 5783: IMPLEMENTING THE STREAMLINED SALES AND USE TAX AGREEMENT**

*Prime Sponsor: Senator Finkbeiner*

*(HB 1863 Representative Gombosky)*

- Washington State sales and use tax statutes are modified to conform with many provisions of the Streamlined Sales Tax Agreement, an effort among the 46 states with retail sales taxes to achieve baseline uniformity among the states' tax statutes.
- Definitions of ten types of property are modified and nine administrative provisions are modified.
- The sourcing administrative provision, referring to where a transaction is taxable, is not changed, however the Department of Revenue will conduct a study on its potential impact.

**ESSB 6023: INCREASING CERTAIN ASSESSMENTS AND PENALTIES IMPOSED BY COURTS**

*Prime Sponsor: Senator Hargrove*

- Increases the first penalty assessments on fines, forfeitures, and penalties by courts of limited jurisdiction from 60 to 70 percent of the fine. As under current law, the revenue from the assessment is split 32 percent to the state, and 68 percent to local governments.
- Increases the additional penalty on traffic infractions from \$10 to \$20. \$8.50 of the additional penalty is devoted entirely to the state Public Safety and Education Account. The remaining revenue is split 32 percent to the state, and 68 percent to local governments.
- For the 2003-05 biennium, revenue to the state is estimated to be \$16 million, and net revenue to local governments is estimated at \$3 million.

**ESSB 6026: AUTHORIZING SPECIAL ASSESSMENTS TO FUND CONVENTION AND TOURISM PROMOTION**

*Prime Sponsor: Senator West*

- Counties and incorporated cities and towns that are in counties of populations between 50,000 and one million may impose a convention and tourism promotion charge of up to \$2 per night on lodging, where a lodging business has 40 or more rooms, according to specific establishing provisions.

**SSB 6054: CLARIFYING THE APPLICATION OF THE INDUSTRIAL WELFARE ACT TO PUBLIC EMPLOYERS**

*Prime Sponsor: Senator Rossi*

- An ambiguity in the Industrial Welfare Act is resolved by clarifying the authority of public employees to use the collective bargaining process to adopt flexible work schedules for meal and rest periods during the work day.

**SB 6057: REVISING BASIC HEALTH CARE PLAN ENROLLMENT PROVISIONS**

*Prime Sponsor: Senator Parlette*

*(HB 1451 Representative Sommers)*

- Allows the revenues generated by the increased cigarette and tobacco taxes imposed by Initiative Measure 773 to be used for any number of Basic Health Plan (BHP) enrollments.
- Previously, the Initiative 773 revenues could only be used for the BHP after the state had first paid for an initial 125,000 BHP enrollees per month from other tax sources.

**SSB 6073: AUTHORIZING THE INCREASE OF SHELLFISH LICENSE FEES**

*Prime Sponsor: Senator Hargrove*

- Surcharges are added to shellfish licenses to fund biotoxin testing and monitoring by the Department of Health of beaches used for recreational shellfishing and monitoring by the Olympic region harmful algal bloom monitoring program of the Olympic Natural Resources Center at the University of Washington.
- The resident and non-resident shellfish licenses are increased by \$3 to \$10 and \$23, respectively, and the resident and non-resident combination licenses are increased by \$2 to \$38 and \$74, respectively.

**SJM 8003: REQUESTING CONGRESS TO RESTORE THE SALES TAX DEDUCTION FOR FEDERAL INCOME TAXES**

*Prime Sponsor: Senator Fraser*

- Congress is requested to restore the itemized deduction on federal income tax returns for state and local retail sales taxes.

**EHB 1037: EXEMPTING RETAIL SALES OF FOOD AND BEVERAGES FROM THE LITTER TAX THAT ARE CONSUMED INDOORS ON THE SELLER'S PREMISES**

*Prime Sponsor: Representative Gombosky*

- Food and beverages that are consumed indoors on the seller's premises are exempt from the litter tax, which has been the practice since the tax was established in 1971.

**SHB 1063: CONCERNING PROJECTS TO BE FUNDED BY LOANS FROM THE PUBLIC WORKS ASSISTANCE ACCOUNT**

*Prime Sponsor: Representative Morrell*

*(SB 5300 Senator Zarelli)*

**\* Signed by the Governor**

- The Public Works Assistance Account was created by the Legislature in 1985 to provide a source of loan funds to assist local governments and special purpose districts with infrastructure projects.
- Twenty-seven additional public works project loans totaling \$71.7 million are authorized for the 2003 loan cycle. This makes the total project loans authorized by the Legislature for the 2001-2003 biennium \$277 million.

**SHB 1069: AUTHORIZING A WAIVER OF INTEREST AND PENALTIES FOR PROPERTY TAX BILLS NOT SENT TO THE TAXPAYER DUE TO ERROR BY THE COUNTY**

*Prime Sponsor: Representative Pflug*

**\* Signed by the Governor**

- A requirement that property must have changed ownership in the previous year is eliminated for the waiver of interest and penalties on late property tax payments if the tax bill is not sent to the taxpayer due to error by the county.

**HB 1073: MODIFYING THE COLLECTION OF PROPERTY TAXES ON LAND SUBLEASED FOR RESIDENTIAL AND RECREATIONAL PURPOSES**

*Prime Sponsor: Representative Haigh*

- Foreclosure proceedings for delinquent property taxes against lots that are private leases of publicly-owned land consisting of 3,000 or more lots that are, or may be, subleased for residential and recreational purposes can take place against the sublease in addition to the improvement on the lot.

**SHB 1075: CLARIFYING 2001 STATUTORY CHANGES MADE TO FOREST TAX STATUTES**

*Prime Sponsor: Representative Blake*

- The date on the death certificate is used to implement the exception to payment of back property taxes related to the death of an owner when land is removed from current use classification.

**HB 1110: INCREASING THE MONTHLY PENSIONS FOR VOLUNTEER FIRE FIGHTERS AND RESERVE OFFICERS**

*Prime Sponsor: Representative Newhouse*

*(SB 5175 Senator Doumit)*

**\* Signed by the Governor**

- Increases by \$20 per month the monthly pensions for volunteer fire fighters and reserve officers who serve for 25 years or more. The new maximum monthly benefit is \$300 per month.

**HB 1200: CORRECTING RETIREMENT SYSTEM STATUTES**

*Prime Sponsor: Representative Conway*

*(SB 5101 Senator Carlson)*

- Makes technical corrections to the state retirement systems laws, including correcting cross-references, providing missing references to the School Employees' Retirement Systems and the Public Employees' Retirement Systems, and removing duplicate or outdated language.
- Brings the Department of Retirement Systems statutes in line with current administrative practices.



**SHB 1202: ALLOWING FIRE FIGHTER EMERGENCY MEDICAL TECHNICIANS TO TRANSFER PUBLIC EMPLOYEES' RETIREMENT SYSTEM SERVICE CREDIT TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' PLAN 2**

*Prime Sponsor: Representative Simpson*

*(SB 5089 Senator Carlson)*

- Allows fire fighter emergency medical technicians belonging to the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) the option to purchase a transfer of past service credit earned as a public emergency medical technician in the Public Employees' Retirement System to LEOFF 2.

**SHB 1204: CREATING THE SELECT COMMITTEE ON PENSION POLICY**

*Prime Sponsor: Representative Fromhold*

*(SB 5099 Senator Winsley)*

- Replaces the Joint Committee on Pension Policy (eight Representatives and eight Senators) with the Select Committee on Pension Policy (four Representatives, four Senators, four employee representatives, two retiree representatives, two employer representatives, and the directors of the Department of Retirement Systems and the Office of Financial Management).
- Creates an executive committee within the Select Committee consisting of the chair and vice-chair of the committee, an employee representative, an employer representative, and one director.
- Authorizes the Select Committee to establish subcommittees focusing on pension issues affecting law enforcement, education, and state and local government employees.

**HB 1205: ADDRESSING THE DEPARTMENT OF FISH AND WILDLIFE LAW ENFORCEMENT OFFICERS' MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 FOR PERIODS OF FUTURE SERVICE**

*Prime Sponsor: Representative Conway*

*(SB 5098 Senator Jacobsen)*

- Transfers the Department of Fish and Wildlife enforcement officers from the Public Employees' Retirement System Plans 2 and 3 to the Law Enforcement Officers' and Fire Fighters' Plan 2 for periods of future service.

**HB 1206: MAKING OPTIONAL PLAN 3 MEMBER CONTRIBUTIONS.**

*Prime Sponsor: Representative Pflug*

*(SB 5091 Senator Carlson)*

- Provides an annual window for employees to change their contribution option in the Public Employees' Retirement System Plan 3, the School Employees' Retirement System Plan 3, and the Teachers' Retirement System Plan 3.

**HB 1207: PROVIDING A DEATH BENEFIT FOR CERTAIN PUBLIC EMPLOYEES**

*Prime Sponsor: Representative Alexander*

*(SB 5092 Senator Jacobsen)*

- Creates a \$150,000 death benefit for employees who perish as a result of injuries sustained in the course of employment. For members of the Public Employees' Retirement System, the School Employees' Retirement System, and the Teachers' Retirement System, the death benefit is payable from the plan. For non-member employees, the death benefit is payable as a sundry claim.

**2SHB 1240: PROVIDING TAX INCENTIVES FOR BIODIESEL AND ALCOHOL FUEL PRODUCTION**

*Prime Sponsor: Representative Sullivan*

- Four tax deferrals and exemptions are established for the manufacture of alcohol fuel, biodiesel fuels, and biodiesel feedstock: (1) a sales and use tax deferral on investment projects; (2) a property tax exemption on buildings and machinery; (3) a leasehold excise tax exemption; and (4) a preferential business and occupation tax rate of 0.138 percent.

**2SHB 1241: PROVIDING TAX INCENTIVES FOR THE DISTRIBUTION AND RETAIL SALE OF BIODIESEL AND ALCOHOL FUELS**

*Prime Sponsor: Representative Sullivan*

*\* Signed by the Governor*

- A business and occupation tax deduction on receipts and a sales tax exemption on investments are established for the sale and distribution of biodiesel fuels and for alcohol fuels made from a product other than petroleum or natural gas.

**HB 1280: CHANGING PROVISIONS FOR FINANCING CONTRACTS FOR STATE UNIVERSITY RESEARCH FACILITIES OR EQUIPMENT**

*Prime Sponsor: Representative Murray*

*(SB 5303 Senator West)*

*\* Signed by the Governor*

- Several changes are made to the state higher education code, including correcting internal references, to clarify that regents of the University of Washington and Washington State University are severally authorized to execute financial contracts for real property for research using non-state funds.

**ESHB 1462: PROHIBITING LOCAL GOVERNMENTS FROM IMPOSING BUSINESS AND OCCUPATION TAX ON INTELLECTUAL PROPERTY**

*Prime Sponsor: Representative Morris*

*(SB 5464 Senator Finkbeiner)*

*\* Signed by the Governor*

- Cities are prohibited from imposing a gross receipts tax on intellectual property creating activities unless a city imposed such a tax as of January 1, 2002, in which case the city is prohibited from imposing such a tax as of January 1, 2004.
- Intellectual property creating activity may not be considered a manufacturing activity.

**HB 1519: CALCULATING THE DEATH BENEFITS FOR MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM, SCHOOL EMPLOYEES' RETIREMENT SYSTEM, AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

*Prime Sponsor: Representative Wood*

*(SB 5535 Senator West)*

- Exempts from actuarial reduction the pension benefit paid to a survivor of a Public Employees' Retirement System, the School Employees' Retirement System, and the Teachers' Retirement System member killed in the course of employment.

**HB 1591: MODIFYING EXCISE TAX INTEREST PROVISIONS**

*Prime Sponsor: Representative Gombosky*

*(SB 5424 Senator Rossi)*

*\* Signed by the Governor*

- The Department of Revenue's methods for calculating interest are modified. First, the annual interest rate used for underpayments shifts from being based on a year beginning in October to a year beginning in July. Second, interest on overpayments is computed from the first day of the month following the due date of the last reporting period or the first day of the month following full payment for the reporting period, whichever is later.

**SHB 1829: REGULATING POST-RETIREMENT EMPLOYMENT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' RETIREMENT SYSTEM.**

*Prime Sponsor: Representative Bailey*

- Requires longer periods of separation before retirees in Plan 1 of the Public Employees' and Teachers' Retirement Systems are eligible to work more than 867 hours per year in eligible positions while collecting their pension benefits.
- When hiring retirees, employers must document the need to hire, hire through established processes, and obtain approval of the employer's highest authority.
- Retirees in the program may work a maximum of three years at 1,500 hours per year, except that teachers and principals may work up to five years at 1,500 hours per year.

**HB 1858: REGARDING TAXATION OF PERSONS PROVIDING CHEMICAL DEPENDENCY SERVICES**

*Prime Sponsor: Representative Morris*

- The state business and occupation tax rate is reduced from 1.5 percent to 0.484 percent with respect to income received from any federal, state, or local governmental entity by persons certified by the Department of Social and Health Services to provide intensive inpatient or recovery house residential treatment services for chemical dependency.

**HB 1905: PROVIDING A LIMITED PROPERTY TAX EXEMPTION FOR THE USE OF FACILITIES BY ARTISTIC, SCIENTIFIC, AND HISTORICAL ORGANIZATIONS**

*Prime Sponsor: Representative Gombosky*

*(SB 5809 Senator Hale)*

- Nonprofit museums and performing arts centers that are exempt from property taxes may rent their facilities to entities not eligible for a property tax exemption up to twenty-five days a year if the property is used for artistic, scientific, or historic purposes; for performing arts productions; or for community gatherings or assembly, or meetings. The property may be used by the lessee for pecuniary gain or to promote business activities seven of the twenty-five days.

**EHB 1977: CLARIFYING USE TAX PROVISIONS**

*Prime Sponsor: Representative Grant*

*(SB 5853 Senator Rossi)*

*\* Signed by the Governor*

- To clarify the Legislature's intentions regarding use taxes in the 2002 session's SB 6835, use tax exemptions are provided for repair services on thirteen types of property whose services are exempt from

the sales tax. Examples of such property include: manufacturing machinery and equipment, interstate transportation equipment, and public ferry vessels.

**HB 2001: PROVIDING PROPERTY TAX EXEMPTIONS FOR NONPROFIT ORGANIZATIONS SUPPORTING ARTISTS**

*Prime Sponsor: Representative Murray*

*(SB 5836 Senator Thibaudeau)*

- The property of non-profit organizations that solicit gifts, donations, and grants for individual artists is exempt from property taxation.

**EHB 2030: CHANGING REQUIREMENTS REGARDING STATE AND LOCAL TAX TO PROVIDE FOR MUNICIPAL BUSINESS AND OCCUPATION TAX UNIFORMITY AND FAIRNESS**

*Prime Sponsor: Representative Kessler*

*(SB 5900 Senator Horn)*

**\* Signed by the Governor**

- Cities imposing a business and occupation (B&O) tax are required to create a committee to work through the Association of Washington Cities to adopt a model ordinance to provide a more uniform system of municipal B&O taxes.
- The ordinance must include mandatory provisions that must be adopted by the cities, including (1) a system of credits to prevent multiple taxation; (2) a gross receipts threshold of at least \$20,000; (3) tax reporting frequency requirements, penalty and interest provisions, claim and refund provisions, and certain definitions, to be based on comparable state B&O tax statutes.
- Cities imposing B&O taxes must comply by December 31, 2004.
- Cities must apportion income using apportionment formulas provided in the bill beginning January 1, 2008.
- The Department of Revenue must conduct a study of the net fiscal impacts on local jurisdictions and report to the Legislature by November 30, 2005, with progress reports on November 30, 2003, and November 30, 2004.

**SHB 2038: MODIFYING TOBACCO ESCROW REFUND PROVISIONS**

*Prime Sponsor: Representative Gombosky*

- The calculation of escrow payments to be made by tobacco manufacturers not participating in the National Master Settlement Agreement is modified to ensure that their escrow payments are roughly equivalent to the payments made to the states by those tobacco manufacturers that do participate in the national tobacco settlement.
- The modification ensures that each company's payments to the escrow fund reflect the company's tobacco sales in this state. This closes a loophole that allowed some companies to receive substantial refunds of the companies' escrow payments.

**HB 2186: MAKING AN IRREVOCABLE CHOICE TO WAIVE RIGHTS TO THE DEFINED BENEFIT UNDER THE PLAN 3 RETIREMENT SYSTEMS**

*Prime Sponsor: Representative Fromhold*

*(SB 6013 Senator Parlette)*

- Permits members of the Public Employees' Retirement System, the School Employees' Retirement System, and the Teachers' Retirement System Plans 3 to make an irrevocable choice to waive their right to the defined benefit portion of their retirement plan.

- May allow some separated employees to transfer their service credit into retirement systems in other states.

**SHB 2196: REVISING AND REPORTING ON STATE AGENCY ALLOTMENTS**

*Prime Sponsor: Representative Sommers*

- The allotment process, by which the Governor's Office of Financial Management monitors state agency expenditure plans, is modified to allow more frequent revision of the plans to more accurately reflect actual expenditures.

**SHB 2197: IMPLEMENTING INITIATIVE MEASURE NO. 790**

*Prime Sponsor: Representative Conway*

*\* Signed by the Governor*

- Transfers statutory authority for rate setting in the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) from the Pension Funding Council to the LEOFF 2 Board created by Initiative 790.
- Establishes a LEOFF 2 expense fund, which is funded from plan assets and used to pay the administrative expenses related to LEOFF 2.

**SHB 2198: REMOVING THE ALLOCATION OF EXCESS EARNINGS FROM SECTION 6 OF INITIATIVE MEASURE NO. 790.**

*Prime Sponsor: Representative Cooper*

*\* Signed by the Governor*

- Amends Initiative 790 to remove the requirements that for the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2), "all earnings of the trust in excess of the actuarially assumed rate of investment return shall be used exclusively for additional benefit for members and beneficiaries."
- Enables earnings in LEOFF 2 to be used to pay for existing as well as additional benefits.
- Reduces contribution rates for the state, local governments, and plan members.

**HB 2223: ALLOWING THE EVERGREEN STATE COLLEGE CAPITAL PROJECTS ACCOUNT TO RETAIN ITS INTEREST INCOME**

*Prime Sponsor: Representative Hunt*

- Interest earned on student fees and other trust proceeds flowing through The Evergreen State College building account may be retained in the account for capital purposes rather than being credited to the State General Fund.

**SHJM 4004: REQUESTING CONGRESS TO RESTORE THE FEDERAL INCOME TAX DEDUCTION FOR STATE AND LOCAL SALES TAXES**

*Prime Sponsor: Representative Nixon*

- Congress is requested to restore the itemized deduction on federal income tax returns for state and local retail sales taxes.