

Washington State



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**Senate Committee
SERVICES**

SENATE COMMITTEE SERVICES

BILLS PASSED

DURING THE 2004 REGULAR

LEGISLATIVE SESSION

BY COMMITTEE OF ORIGIN



DATE: March 11, 2004

TO: Washington State Senate Senators and Staff

FROM: Stan Pynch, Director
Senate Committee Services

SUBJECT: Bills Passed During the 2004 Regular Legislative Session Report

We are pleased to provide you this Senate Committee Services (SCS) report, Bills Passed During the 2004 Regular Legislative Session, by Committee of Origin. Very simply, this report includes a brief description of each Senate and House bill passed by the 2004 Legislature. Bills are listed under their committee of origin in the Senate.

We have noted the Governor's action on bills through March 11. 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 2004 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 2004 Legislature and relevant gubernatorial veto messages.

It was a pleasure to serve you again this session, and we hope you find this report useful. It would be helpful to us if you would e-mail me at pynch-st@leg.wa.gov and let us know whether or not this report is useful and timely. Please let us know anytime how we might serve you more effectively.

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AGRICULTURE

786-7411

ESSB 5665: CHANGING IRRIGATION DISTRICT ADMINISTRATION PROVISIONS

Prime Sponsor: Senator Rasmussen

- Liability shield provisions for irrigation district personnel are broadened in coverage and scope. These modifications do not shield the district itself from potential liability.
- Irrigation district boards are granted discretion to set the portion of annual revenue dedicated to the upgrade and improvement fund. Districts are authorized to accept credit card payments.
- Irrigation district administration and judicial foreclosure processes are streamlined. Large district boards of directors are granted discretion to preclude certain foreclosure actions. References to irrigation district statutes are removed from lien extinguishment provisions in utility statutes.

SSB 6107: PREVENTING THE SPREAD OF ANIMAL DISEASES

Prime Sponsor: Senator Rasmussen

(SHB 2298 Representative Linville)

- The Department of Agriculture's animal health powers are broadened and clarified to allow quarantine and entry upon reasonable cause. Probable cause of serious risk is required before the director may seize items. The director's authority to order destruction of quarantined animals is clarified.
- Search warrant authority is explicitly provided where access is denied, but only if a court, following specified guidelines, finds probable cause that a potential threat exists. The director must file an affidavit showing denial of entry and attempts to secure the animal owner's consent.

SSB 6155: PREVENTING THE SPREAD OF HORTICULTURAL PESTS AND DISEASES

Prime Sponsor: Senator Parlette

(EHB 2545 Representative Condotta)

- The burning of cultivated orchard trees is allowed within urban growth areas as an ongoing agricultural activity, whether or not agricultural crops will be replanted on the land, if specified experts determine that burning is an appropriate method to prevent or control pests or disease.

SB 6339: REGULATING SEED-RELATED BUSINESS PRACTICES

Prime Sponsor: Senator Swecker

- Commission Merchants Act (CMA) provisions are modified to clarify that seed companies are subject to bonding and licensing requirements. The bonding formula for seed companies is simplified.
- A commission merchant's contract may preclude producer involvement in the timing of product sales. Seed clean-out disputes are to be governed by contract.

SB 6465: EXTENDING THE EXPIRATION DATE OF THE DAIRY INSPECTION PROGRAM ASSESSMENT

Prime Sponsor: Senator Swecker

- The assessment on fluid milk that was set to expire on June 30, 2005, which funds a substantial portion of the milk inspection program, is extended until June 30, 2010.

2SSB 6599: MONITORING CHOLINESTERASE

Prime Sponsor: Senator Honeyford

(HB 2865 Representative Condotta)

- Agricultural employers must submit monthly records on the number of hours employees handle specified pesticides. The Departments of Labor and Industries (L&I) and Health must correlate data on hours exposed with cholinesterase test results.
- Upon request, employers must provide a tested employee with access to and copies of specified reports and records. L&I must make reasonable reimbursements to employers on a quarterly basis as specified in the 2003-05 operating budget.
- L&I must report results to appropriate legislative committees and identify technical issues regarding cholinesterase testing or administration.

SSB 6636: REGULATING THE DISPOSAL OF ANIMALS

Prime Sponsor: Senator Rasmussen

- An interagency work group is formed to develop a state policy on the disposal of animal carcasses. The work group includes the Department of Agriculture, Department of Health, and the Department of Ecology.
- In developing the state policy, the work group is to involve local health departments, state and federal agencies, university scientists, meat processors, animal feeding operations and affected constituency groups. A report on the work group’s actions, findings and recommendations is to be provided prior to the 2005 and 2006 sessions.
- The Department of Agriculture is provided temporary authority to adopt emergency rules for the disposal of diseased animal carcasses. This authority, and the act, expire on December 30, 2005.
- The bill is null and void unless funds are provided for its implementation. The bill takes effect immediately upon signature by the Governor.

ESSB 6731: CONCERNING STANDARDS AND GRADES FOR FRUITS AND VEGETABLES

Prime Sponsor: Senator Honeyford

- Grades and standards for asparagus do not apply to asparagus shipped out of the state for fresh packing.
- This exemption is temporary and expires on December 31, 2005.

ESJM 8050: INFORMING CONGRESS OF WASHINGTON'S EXPERTISE IN ANIMAL DISEASE

Prime Sponsor: Senator Sheahan

- Recognition is given to the accomplishments of the Washington Animal Disease Diagnostic Laboratory (WADDL) and the College of Veterinary Medicine (CVM) at Washington State University relating to the family of animal diseases that includes bovine spongiform encephalopathies (BSE).
- Congress is informed of the head start that WADDL and CVM have in BSE related research and informs Congress, the President, and the United States Department of Agriculture of the capabilities to develop a BSE test for live cattle, conduct additional research on BSE, and administer a BSE testing program, should these capabilities be needed as part of the national response to BSE.

EHB 1677: EXEMPTING CERTAIN PROPERTY USED IN AGRICULTURE FROM TAXATION

Prime Sponsor: Representative Shabro

(SB 5640 Representative Rasmussen)

- Farm machinery and equipment is exempt from county property taxes in non-rural counties (King, Pierce, Snohomish, Kitsap, Thurston, Clark, and Spokane).

SHB 2299: ESTABLISHING A SYSTEM OF ANIMAL IDENTIFICATION

Prime Sponsor: Representative Linville

(SSB 6109 Senator Jacobsen)

- The Department of Agriculture is authorized, in consultation with the Livestock Identification Advisory Board, to adopt rules to implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.
- The Department of Agriculture may adopt rules to meet federal requirements for country of origin labeling purposes. Country of origin labeling rules are not to exceed federal requirements.
- The director may cooperate with and enter into agreements with other states and federal agencies to carry out and promote consistency of regulations.

SHB 2300: APPLYING PESTICIDES

Prime Sponsor: Representative Linville

(SSB 6108 Senator Sheahan)

- As an alternative to obtaining a private applicator's license, which requires training in pesticides for the control of weeds, rodents, insects and diseases, two new categories of licenses are provided for persons who conduct a limited scope of pest control activities.
- A limited applicator's license may be obtained for the use of restricted use pesticides to control weeds on lands that are defined as non-productive agricultural lands and specified timber areas. A limited rancher applicator license may be obtained for the use of restricted use pesticides to control weeds and rodents on defined non-productive agricultural lands, on defined limited production agricultural lands, and specified timber areas.
- To obtain these new licenses a person must pass a test. These license categories are available for limited pest control activities conducted in eastern Washington. These licenses do not permit applications to aquatic sites.

HB 2301: INCLUDING SEVERABILITY CLAUSES IN COMMODITY COMMISSION STATUTES

Prime Sponsor: Representative Linville

(SB 6106 Senator Rasmussen)

- Severability clauses are added to agricultural commodity commission statutes for the Fruit Commission (Chapter 15.28 RCW), the Dairy Products Commission (Chapter 15.44 RCW), and the Potato, Seed Potato, Bulb, Fryer, Wheat, and Barley Commissions (Chapter 15.66 RCW).

SHB 2366: PROMOTING WASHINGTON STATE AGRICULTURE

Prime Sponsor: Representative Linville

(SB 6127 Senator Swecker)

- A non-profit entity may be formed to carry forward the activities of the "From the Heart of Washington Program" that promotes agricultural commodities produced or processed in the state. The successor entity is to aggressively seek non-state funding sources.
- The Department of Agriculture may contract with, and may transfer equipment, software, data base and other assets to the new successor entity. If the new entity dissolves, the department may repossess any transferred property.

- Any debts or other liabilities of the successor organization are to be satisfied from the resources of the successor organization, and the State of Washington is not liable for any of its debts or liabilities.

SHB 2367: PROMOTING WASHINGTON-GROWN APPLES

Prime Sponsor: Representative Linville

(ESB 6126 Senator Swecker)

- The Washington Apple Commission is restructured by providing appointment of members and approval of its budget by the Department of Agriculture.
- The rate of assessment is reduced from 54.3 cents to 8.75 cents per hundred weight. A process is provided to modify the rate of assessment, or after five years to eliminate the assessment, after a referendum vote of the apple industry.
- The liability of the state for acts of the commission is limited solely to the assets of the commission.

SHB 2618: CONCERNING COMMODITY COMMISSIONS

Prime Sponsor: Representative Linville

(SSB 6310 Senator Swecker)

- The process for approving changes to marketing orders and assessment levels of the six commodity commissions established under the 1955 Enabling Act are updated and streamlined through the use of web sites, postcards and explanatory letters.

SHB 2802: ESTABLISHING PENALTIES FOR TRADING IN NONAMBULATORY LIVESTOCK

Prime Sponsor: Representative Schoesler

(SSB 6408 Senator Brandland)

- A person who knowingly transports to or accepts delivery of live, nonambulatory livestock at a livestock market, feedlot, slaughtering facility or similar facility that trades in livestock is guilty of a gross misdemeanor.
- Nonambulatory livestock are to be humanely euthanized before transport to, from, or between a livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock.
- Livestock that becomes nonambulatory while being transported to a feedlot may be unloaded and placed in a separate pen for rehabilitation.

SHB 2929: PROVIDING TEMPORARY TAX RELIEF FOR WASHINGTON BEEF PROCESSORS

Prime Sponsor: Representative Schoesler

(SSB 6508 Senator Honeyford)

- A business and occupation tax deduction is available on slaughtering, processing, and wholesaling of perishable beef products for firms that slaughter cattle. The deduction is available until Japan, Mexico and the Republic of Korea all lift the ban on importation of beef from the United States that was imposed following the detection of a cow testing positive for bovine spongiform encephalopathies (BSE).

CHILDREN & FAMILY SERVICES & CORRECTIONS

786-7407

SSB 5168: AUTHORIZING REDUCTION OF INTEREST ON LEGAL FINANCIAL OBLIGATIONS

Prime Sponsor: Senator Hargrove

- When an offender has personally made a good faith effort to pay his or her legal financial obligations, the court may reduce or waive the interest under certain conditions.
 - * *SB 6588 is incorporated in its entirety into SSB 5168 , as described below.*
- The county clerk may set the monthly payment amount on legal financial obligations and access employment security records to verify employment and income and seek wage assignments.
- A process is created for restoring the civil rights of an offender whose court ordered conditions exceed the length of his or her supervision by the Department of Corrections.

E2SSB 5216: REVISING FORENSIC COMPETENCY AND SANITY EXAMINATIONS

Prime Sponsor: Senator Stevens

- When there is reason to doubt the competency of a defendant, the court may, upon agreement of the parties, designate one professional person to evaluate the defendant, which may be done in a local correctional facility or an appropriate community setting.
- The signed court order for the evaluation grants authority to access mental health, medical, educational and correctional records that relate to the defendant's condition.

SB 6213: MAKING TECHNICAL, CLARIFYING, AND NONSUBSTANTIVE CHANGES TO MENTAL HEALTH ADVANCE DIRECTIVE PROVISIONS

Prime Sponsor: Senator Hargrove

- Clarification is made that a person admitted to inpatient treatment under his or her mental health advance directive may be detained under the involuntary treatment act if he or she meets that standard.

E2SSB 6274: CHANGING PROVISIONS RELATING TO COMPETENCY RESTORATION

Prime Sponsor: Senator Regala

- Definitions of "non-fatal injuries" and identification of "serious" offenses are added in the context of involuntary medications for competency restoration.
- Confidentiality provisions are amended to comply with the United States Supreme Court requirement that a criminal court ordering involuntary medication to restore competency has considered whether the defendant would be subject to civil commitment.

SB 6337: REVISING THE FEE FOR BIRTH CERTIFICATES SUITABLE FOR DISPLAY

Prime Sponsor: Senator Regala

(HB 2505 Schual-Berke)

- The Washington Council for the Prevention of Child Abuse and Neglect can establish the fee for the birth certificate suitable for display at its discretion.

ESSB 6352: REVISING PROVISIONS CONCERNING SELECTION OF TELEPHONE CALLING SYSTEMS FOR OFFENDERS IN STATE CORRECTIONAL FACILITIES

Prime Sponsor: Senator Stevens

- The Department of Corrections (DOC) is authorized to approve a new calling system for offenders.
- The new system must be at least as secure as the previous system and must be chosen after consideration of public safety, reduction of telephone fraud, and low-cost options.
- DOC must remain able to monitor calls and make operator announcements.

E2SSB 6358: IMPROVING COLLABORATION REGARDING OFFENDERS WITH TREATMENT ORDERS

Prime Sponsor: Senator Hargrove

- Aa framework is established for communication and collaboration between the Department of Corrections (DOC) and mental health and chemical dependency treatment providers for offenders under supervision in the community who are also subject to court-ordered treatment.
- A new component is established in the state hospital discharge review of persons with a history of violent acts who also have been either offenders under DOC authority or who came from and are returned to a jail. The review includes correctional and forensic psychology staff and, where appropriate, chemical dependency staff. If the person is returned to a jail, the county designated mental health professional or chemical dependency specialist must evaluate them at release.
- The authorization to release health care information is amended to extend the time period of an authorization for an offender under supervision or in a treatment program for mentally ill offenders.

ESB 6411: REDUCING HUNGER

Prime Sponsor: Senator Brandland

(E2SHB 2769 Representative Pettigrew)

- Schools serving grades Kindergarten through four, where 25 percent of the students qualify for free or reduced-price lunches, must implement a school lunch program unless the school meets a good cause exception.
- Schools with academic, remedial, or enrichment summer programs, where 50 percent of the students qualify for free or reduced-price lunches, must implement a summer food service program open to all students unless there is a compelling reason to limit access.
- The Department of Social and Health Services must implement simplified reporting for food stamps and implement transitional food stamps for persons leaving the Temporary Assistance to Needy Families program unless the family is in sanction status. The state adopts the federal exception to the prohibition on food stamps for persons with felony drug convictions.

SSB 6457: CREATING A STUDY PANEL FOR ADOPTION ISSUES

Prime Sponsor: Senator Swecker

** SSB 6457 is incorporated in its entirety into HCR 4418.*

ESSB 6472: REVISING PROVISIONS RELATING TO VICTIMS OF CRIME

Prime Sponsor: Senator Hargrove

(HB 2611 Representative O'Brien)

- Victims of juvenile offenders are given the same statutory rights as victims of adult offenders. The definition of "victim" is modified. Victims can be accompanied by a support person of their choosing at witness interviews and in judicial proceedings.
- Restitution can be required from juvenile offenders for victims' counseling costs resulting from any crime, not just sex offenses.
- Judges are given discretion to relieve a juvenile offender of an obligation to pay restitution to an insurance provider if the juvenile is unable to pay.
- Judges can relieve juveniles of restitution obligations in diversion cases and can impose community restitution in those cases at the judge's discretion.

E2SSB 6489: REVISING PROVISIONS RELATING TO CORRECTIONAL INDUSTRIES

Prime Sponsor: Senator Hargrove

- A Class I correctional industries work program is not permitted to compete unfairly with an existing Washington business.
- The Correctional Industries Board of Directors must complete a business impact analysis to determine whether unfair competition will exist before permitting the establishment of a new Class I business or the significant expansion of an existing Class I business.
- Inmates with more than 10 years remaining on their sentences cannot comprise more than 10 percent of workers in new Class I businesses.
- Targets are established for the expansion of class II work programs. Higher education institutions must work with the Class II work program to develop plans for increasing purchases of class II products.

SB 6588: ADOPTING TECHNICAL, CLARIFYING, AND NONSUBSTANTIVE AMENDMENTS TO THE LEGAL FINANCIAL OBLIGATION PROVISIONS OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5990

Prime Sponsor: Senator Hargrove

** SB 6588 is incorporated in its entirety into SSB 5168.*

ESSB 6642: ORDERING CASE CONFERENCES FOLLOWING SHELTER CARE HEARINGS

Prime Sponsor: Senator Stevens

- The Department of Social and Health Services is required to convene a case conference in dependency cases for the purpose of developing a written agreement regarding voluntary services to be provided to the parents.

SB 6643: PROVIDING GUIDELINES FOR FAMILY VISITATION FOR DEPENDENT CHILDREN

Prime Sponsor: Senator Stevens

** Provisions of SHB 2361 are incorporated into SB 6643, as described below.*

- Visitation is recognized as a right of each family when a child is removed from the home. The Department of Social and Health Services is to develop consistent policies and protocols on visitation and report to the Legislature by January 1, 2005.

SHB 2361: REQUIRING DEVELOPMENT OF POLICIES CONCERNING VISITATION FOR CHILDREN IN FOSTER CARE

Prime Sponsor: Representative Kagi

** Provisions of SHB 2361 are incorporated into SB 6643.*

HB 2387: AUTHORIZING THE RELEASE OF PATIENT RECORDS FOR THE PURPOSE OF RESTORING STATE MENTAL HEALTH HOSPITAL CEMETERIES

Prime Sponsor: Representative Carrell

(SB 6678 Senator Fraser)

- The names and dates of birth and death of state hospital patients who were buried in state hospital cemeteries may be released 50 years after their death in order to memorialize their graves.

ESHB 2400: STRENGTHENING SENTENCES FOR SEX OFFENDERS

Prime Sponsor: Representative McMahan

- The Legislature's commitment to life sentences for the most serious sex offenses is reiterated and the seriousness levels and determinate plus sentencing provisions are re-enacted.
- The special sex offender sentencing alternative (SSOSA) is amended to limit who can receive a SSOSA sentence, enhance the evaluation and the court's consideration process, require that the victim's opinion be given great weight, impose conditions of the SSOSA on the offender that relate to his or her offense cycle, and require annual review.
- The SSOSA evaluator and the treatment provider cannot be the same person or have a financial tie unless the court finds that it is in the best interest of the victim and to do otherwise would make successful treatment impractical.

ESHB 2556: STUDYING CRIMINAL BACKGROUND CHECK PROCESSES

Prime Sponsor: Representative O'Brien

(SB 6255 Senator Brandland)

- A study to determine how Washington's background check system can be technologically improved will be conducted by the Washington Association of Sheriffs and Police Chiefs.
- A 15-member joint task force consisting of legislators, representatives of state agencies, and entities which frequently request background checks will make recommendations regarding policy issues involved in criminal background checks.
- The results of both studies will be reported to the Legislature by December 31, 2004.

HB 2765: ESTABLISHING AN ADVISORY COUNCIL ON EARLY INTERVENTIONS FOR CHILDREN WHO ARE DEAF OR HARD OF HEARING

Prime Sponsor: Representative Dickerson

- The Department of Social and Health Services must establish an advisory council on early interventions for children who are deaf or hard of hearing. The advisory council must develop statewide standards on early intervention services and create a pamphlet for parents of children diagnosed with hearing loss by July 1, 2005.

SHB 2849: ELIMINATING CREDENTIALING BARRIERS FOR SEX OFFENDER TREATMENT PROVIDERS

Prime Sponsor: Representative Kagi

(SB 6555 Senator Franklin)

- A new Department of Health certification is created for "certified affiliate sex offender treatment providers," and requirements are specified for certification, supervision and limitations on their practice.

SHB 2984: REQUIRING CHILD FATALITY REVIEWS FOR CHILDREN INVOLVED IN THE CHILD WELFARE SYSTEM

Prime Sponsor: Representative Shabro

- The Department of Social and Health Services (DSHS) is required to conduct an internal child fatality review in the event of an unexpected death of a minor in the care of or receiving child welfare services from DSHS, to determine if agency policies, procedures and practices were properly followed.

SHB 2988: PROTECTING THE RIGHTS OF FOSTER PARENTS

Prime Sponsor: Representative Boldt

- Foster parents who believe that they have been discriminated or retaliated against by the Department of Social and Health Services may file a complaint with the Office of Family and Children's Ombudsman (OFCO). OFCO will include recommendations regarding these complaints in its annual report.

SHB 3051: REVISING NOTICE PROVISIONS FOR PROCEEDINGS INVOLVING INDIAN CHILDREN

Prime Sponsor: Representative Pettigrew

- A notice regarding the application of the Indian Child Welfare Act is added to the statutes on third party custody, adoption, dependency, Child in Need of Services and At Risk Youth.

ESHB 3078: CONCERNING ACCESS TO INFORMATION ON THE EXISTENCE OF SEALED JUVENILE RECORDS

Prime Sponsor: Representative Dickerson

(SB 6609 Senator Hargrove)

- The time which must elapse between release from confinement or disposition and sealing of records of certain juvenile offenders (excluding Class A and sex offenses) is decreased.
- Juvenile offenders must wait five years before sealing files on Class B felony offenses, and must wait for two years to seal records of Class C and non-felony offenses.
- The administrative office of the courts must ensure that prosecutors have access to information on the existence of sealed records.

SHB 3081: REVISING PROVISIONS RELATING TO MEDICAL TESTING FOR CHILDREN IN THE CARE OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Prime Sponsor: Representative Rockefeller

- The Department of Health (DOH) must develop recommendations for blood-borne pathogen testing of children less than one year of age in the custody of the Department of Social and Health Services (DSHS). DOH must identify by rule the term "blood-borne pathogen."
- DSHS must inform an out-of-home care provider if a child in that provider's care is infected with a blood-borne pathogen and must identify the pathogen.
- DSHS must train out-of-home care providers about blood-borne pathogens.

SHB 3083: PROVIDING IMMUNITY FOR ANY PERSON WHO COOPERATES WITH AN INVESTIGATION OF CHILD ABUSE OR NEGLECT

Prime Sponsor: Representative Kagi

- Protection is provided for persons cooperating in a child abuse or neglect investigation, provided that they act in good faith and without gross negligence.

2SHB 3085: ENCOURAGING THE USE OF FAMILY DECISION MEETINGS REGARDING CHILDREN IN THE CHILD WELFARE SYSTEM

Prime Sponsor: Representative Kagi

- The Department of Social and Health Services must develop strategies for implementing a policy of meaningful family involvement using family decision meetings in child welfare cases.

SHB 3092: MAKING TECHNICAL CORRECTION TO THE UNIFORM PARENTAGE ACT

Prime Sponsor: Representative Delvin

- A technical correction is made to prevent future ambiguity in the effective date of a rescission of an acknowledgment or denial of paternity under the Uniform Parentage Act.

HJM 4040: REQUESTING CONGRESS TO PASS A FEDERAL 211 ACT

Prime Sponsor: Representative Pettigrew

(SJM 8044 Senator Carlson)

- The Washington State Senate and House of Representatives request that Congress pass the federal Calling for 211 Act of 2003 to provide telephone access to social service information and make funding available through a federal grant process.

HCR 4418: CREATING A STUDY PANEL ON ADOPTION ISSUES

Prime Sponsor: Representative Kagi

** SSB 6457 is incorporated in its entirety into HCR 4418, as described below.*

- A legislative study panel is formed to study adoption related fees, barriers to adoption, child selling and buying, and discrimination. The study panel must report its findings to the Legislature by January 1, 2005.

COMMERCE & TRADE

786-7426

SSB 6103: MAKING CERTAIN TYPES OF EXTREME FIGHTING ILLEGAL

Prime Sponsor: Senator Zarelli

- It is a Class C felony to promote certain forms of no-holds-barred or extreme fighting, such as Toughman events.
- Extreme fighting is distinguished from amateur contact sports events. These events involve participants who have never competed for prizes valued at more than \$50 and are sponsored by organizations recognized by the Department of Licensing.

ESB 6180: PROHIBITING THE USE OF GENETIC INFORMATION IN EMPLOYMENT DECISIONS

Prime Sponsor: Senator Franklin

- Employers shall not screen employees and applicants for genetic information as a condition of employment or continued employment.
- "Genetic information" is information about inherited characteristics that are derived from DNA-based or other laboratory tests, family history or medical examinations.
- Genetic information does not include routine physicals and tests used solely to determine the presence of HIV or whether a person is currently using alcohol or illegal drugs.

SSB 6341: CONCERNING THE LICENSING OF COSMETOLOGISTS AND OTHERS UNDER CHAPTER 18.16 RCW

Prime Sponsor: Senator Oke

(HB 2305 Representative McMahan)

- Cosmetologists, barbers, manicurists and estheticians who may not have received notice of a change in the licensing statutes that went into effective in 2003 may, until July 2005, renew expired licenses without re-taking an examination.
- An "inactive status" licensing status is created. A person in this status cannot engage in any licensed activities until returned to "good standing," which may require refresher training.

SSB 6377: REVISING PROVISIONS RELATING TO RENEWAL OF TRANSIENT ACCOMMODATION LICENSES

Prime Sponsor: Senator Honeyford

- An application to renew a license for a transient accommodation (hotel, motel, etc.) is due on the annual expiration date, instead of the current deadline of thirty days prior to the expiration date.
- An applicant has a 35-day grace period after the expiration date to correct any deficiencies in the application.

SSB 6428: CONCERNING INDUSTRIAL INSURANCE HEALTH CARE PROVIDERS

Prime Sponsor: Senator Honeyford

- If the Department of Labor and Industries (L&I) suspends a health services provider's authority to treat injured workers and the provider appeals the suspension to the Board of Industrial Insurance Appeals (BIIA), L&I may petition the BIIA for an order immediately suspending the provider's eligibility to participate as a provider of services in workers' compensation cases.
- The BIIA must grant the petition if there is good cause to believe the workers subject to the workers' compensation laws may suffer serious physical or mental harm if the suspension is not granted.
- The BIIA must expedite the hearing of L&I's petition.

SB 6480: INCREASING THE NUMBER OF DAYS CERTAIN FAIRS CAN USE THE SPECIAL OCCASION LIQUOR LICENSE

Prime Sponsor: Senator Hewitt

(HB 2831 Representative Chandler)

- "Agricultural area fairs" or "agricultural county and district fairs" may obtain a special occasion liquor licenses. These licenses allow the licensee to participate in 12 events in one calendar year. This bill allows these licensees to count as only one of their 12 events, fairs that last multiple days. The licensees can do so only once each calendar year. These licensees may do this only if alcohol sales are at set dates, times and locations and the licensee notifies the Liquor Control Board of those dates, times and locations. The fee is \$60 per day.
- If the special occasion liquor license is for an event held during a county, district, or area fair and the fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority must be the entity notified by the Liquor Control Board.

ESSB 6481: GOVERNING CLASS 1 RACING ASSOCIATIONS' AUTHORITY TO PARTICIPATE IN PARIMUTUEL WAGERING

Prime Sponsor: Senator Hewitt

- Certain restrictions are removed on disseminating imported simulcast horse races.
- Until October 1, 2007, advance deposit wagering by phone or other electronic means on horse races within the authority of a class 1 racing association is allowed.
- Members of the Horse Racing Commission are prohibited from betting on horse races conducted under the commission's authority.

SSB 6584: MODIFYING LIQUOR LICENSING PROVISIONS

Prime Sponsor: Senator Hewitt

- A restaurant licensee with a caterer's endorsement may operate on the premises of a domestic winery.
- Beer and wine licensees, or beer, wine and spirits licensees, that hold a caterer's endorsement, may use this endorsement on a domestic winery premises if (a) the agreements between the winery and the licensee are in writing, contain no exclusivity clauses regarding the alcohol to be served and are filed with the Liquor Control Board; and (b) the winery and licensee are separately contracted and compensated for their services by the persons sponsoring the event.

SB 6586: CONCERNING ELECTRICAL WORK ON BOILERS

Prime Sponsor: Senator Honeyford

- The Board of Boiler Rules and the Electrical Board are given an additional year to complete work on recommendations regarding the regulation of plumbers and electricians doing maintenance work on electrical controls of boilers.

SSB 6615: ENCOURAGING EMPLOYMENT OF WORKERS WITH DEVELOPMENTAL DISABILITIES

Prime Sponsor: Senator Honeyford

- To encourage employment of injured workers who have a developmental disability, the Department of Labor and Industries is authorized to adopt rules providing relief from premiums and claim costs for employers that employ these workers (preferred worker status).
- These incentives are available to all employers, including the employers of the worker at the time of the worker's injury.

SB 6650: PROVIDING THE DEPARTMENT OF LABOR AND INDUSTRIES WITH THE RULE-MAKING AUTHORITY TO ADDRESS RECOMMENDATIONS OF THE ELEVATOR SAFETY ADVISORY COMMITTEE RELATING TO THE LICENSING OF PRIVATE RESIDENCE CONVEYANCE WORK

Prime Sponsor: Senator Keiser

(HB 2624 Representative Wood)

- The Department of Labor and Industries may develop rules on regulating work on elevators and other conveyances in private residences.

SSB 6655: REGULATING AUTHORIZED REPRESENTATIVES OF BEER AND WINE MANUFACTURERS AND DISTRIBUTORS

Prime Sponsor: Senator Hewitt

(HB 2927 Representative Conway)

- Authorized representatives for breweries and wineries outside of Washington, both within and outside of the United States, must obtain a certificate of approval from the Liquor Control Board (LCB) to sell beer or wine in Washington.
- The LCB must set the fee for a certificate of approval at an amount sufficient to cover the administrative cost of regulating certificate of approval holders.
- Various prohibitions on and requirements for manufacturers (wineries and breweries), distributors, and importers are also applied to certificate of approval holders.

SB 6663: MODIFYING PROMOTERS REQUIREMENTS FOR VENDOR TAX REGISTRATION

Prime Sponsor: Senator Hewitt

(HB 3133 Representative Fromhold)

- To assist in the collection of sales taxes, promoters of special events (auto shows, garden shows, fairs, etc.) are required to make a good faith effort to verify the tax registration of vendors at these events.

ESB 6737: CHANGING PROVISIONS RELATING TO DISTRIBUTION OF LIQUOR

Prime Sponsor: Senator Hewitt

- Future beer and wine price postings are considered confidential information and are not subject to public disclosure.
- The Liquor Control Board must review the postings to ensure that buyers are adhering to the rule that no beer or wine prices can be posted that are below the cost to acquire the beer or wine plus ten percent.

SHB 1691: AUTHORIZING ADVANCED REGISTERED NURSE PRACTITIONERS TO EXAMINE, DIAGNOSE, AND TREAT INJURED WORKERS COVERED BY INDUSTRIAL INSURANCE

Prime Sponsor: Representative Grant

- The health services available to injured workers include health services provided by advanced registered nurse practitioners (ARNP) within their scope of practice. Other provisions give ARNPs the same roles and responsibilities as physicians, except that ARNPs may not conduct special medical examinations. These provisions expire June 30, 2007.
- The Department of Labor and Industries must report to the Senate Commerce and Trade Committee and the House Commerce and Labor Committee by December 1, 2006, on the implementation of the act, including the effects of the act on injured worker outcomes, claim costs, and disputed claims.

HB 2509: CORRECTING CERTAIN REFERENCES DEALING WITH UNEMPLOYMENT COMPENSATION

Prime Sponsor: Representative McCoy

- Erroneous references to the provision making domestic violence good cause for voluntarily quitting work are corrected.

SHB 2510: MODIFYING PROVISIONS CONCERNING UNEMPLOYMENT COMPENSATION

Prime Sponsor: Representative Conway

- The penalty is changed for businesses that are delinquent in paying unemployment insurance contributions because of an intent to evade the successorship requirements and for businesses that are promoting such evasion.
- Instead of being assigned the highest contribution rate for five quarters, these businesses will be assigned a rate that is the highest contribution rate, plus 2 percent, for the calendar year in which the commissioner of the Employment Security Department makes the penalty determination.

SHB 2575: RELATING TO PROVISIONS OF THE WASHINGTON HORSE RACING COMMISSION'S AUTHORITY

Prime Sponsor: Representative Cairnes

(SSB 6200 Senator Hewitt)

- Accounts relating to certain statutory functions of the Horse Racing Commission are created in the State Treasury. These accounts shall keep the interest they earn.

HB 2601: PROHIBITING THE UNLAWFUL DISCHARGE OF RESERVE OFFICERS

Prime Sponsor: Representative Lovick

- The statutory exception to the general rule that employment is "terminable-at-will" for volunteer fire fighters is extended to reserve officers.
- "Reserve officers" are law enforcement officers who do not serve as law enforcement officers on a full-time basis, but who, when called into active service, are fully commissioned on the same basis as full-time officers to enforce criminal laws.

SHB 2657: MODIFYING TRAINING REQUIREMENTS FOR SECURITY GUARDS

Prime Sponsor: Representative Morrell

(SSB 6517 Senator Horn)

- Training requirements to become and remain a security guard are increased.
- Upon passing an exam, a person who worked full-time as a police officer in the five years before applying to become a security guard is exempt from the pre-assignment training requirement.

SHB 2685: REVISING PROVISIONS RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION FOR LIQUOR SALES

Prime Sponsor: Representative Hudgins

(SB 6344 Senator Hewitt)

- For the purpose of proving that an individual seeking to purchase liquor is of legal age to do so, military identification that has an embedded rather than a visible signature is an acceptable form of identification.
- The Liquor Control Board may adopt regulations covering identification cards.

HB 2794: ALLOWING LICENSEES TO PAY FOR LIQUOR USING DEBIT AND CREDIT CARDS

Prime Sponsor: Representative Condotta

- Purchases made at state operated liquor stores by licensees may be paid for using a credit or debit card. Liquor vendors may also accept credit and debit cards for liquor purchased by licensees.
- Credit card equipment purchased and maintained with money from the Liquor Revolving Fund may be used for credit card purchases by licensees.

SHB 3057: CONFORMING THE SOCIAL SECURITY OFFSET PROVISIONS OF TITLE 51 RCW TO THE MODIFIED FEDERAL SOCIAL SECURITY RETIREMENT AGE AND CONTINUING TO ALLOW THE STATE TO IMPLEMENT AN OFFSET OTHERWISE IMPOSED BY THE FEDERAL GOVERNMENT

Prime Sponsor: Representative Conway

(SB 6677 Senator Hewitt)

- The age limit of 65 years for the disability reverse offset provision is deleted.
- The Department of Labor and Industries must reduce industrial insurance time-loss or pension benefits to account for social security disability benefits received by a worker who becomes 65 years of age on or after the bill's effective date.

**ESHB 3188: CONCERNING LIABILITY TO THE DEPARTMENT OF LABOR AND INDUSTRIES
FOR PREMIUMS, OVERPAYMENTS, AND PENALTIES**

Prime Sponsor: Representative Conway

(SB 6691 Senator Keiser)

- It is willful misrepresentation when industrial insurance benefits are obtained by a worker that are greater than the amount to which that person is entitled. Willful misrepresentation includes willful false statement or willful misrepresentation, omission, or concealment of a material fact.
- A subcontractor, who is also an employee, must have a workers' compensation account in good standing or be self-insured when the contract is let.
- When benefits are overpaid because of adjudicator error, the Department of Labor and Industries (L&I) can recoup those benefits only when the order on which the overpayment is based is not yet final. There are some exceptions to this general rule.
- Corporate officers are liable for certain industrial insurance premiums owed by corporations that have gone out of business.
- L&I may use the same procedures used to collect overpayments from workers to collect overpayments from healthcare providers.

**HJM 4031: URGING EXTENSION OF TEMPORARY EXTENDED UNEMPLOYMENT
COMPENSATION**

Prime Sponsor: Representative Conway

(SJM 8029 Senator Keiser)

- Congress and the President are urged to extend and make retroactive federal temporary unemployment compensation benefits.

ECONOMIC DEVELOPMENT

786-7747

SSB 6113: MODIFYING THE RURAL COUNTY SALES AND USE TAX

Prime Sponsor: Senator T. Sheldon

- The local option tax in rural counties may only be used to finance public facilities serving economic development purposes. Economic development purposes are those that facilitate the creation or retention of businesses and jobs.
- Counties must make yearly reports to the State Auditor on new projects, showing that the funds have been used consistent with the goals and requirements of the act. Existing projects that have bonded against the income stream from the local option tax are not considered new projects.

SB 6288: ALLOWING FEDERALLY RECOGNIZED INDIAN TRIBES IN RURAL COUNTIES AND RURAL NATURAL RESOURCES IMPACT AREAS TO BE ELIGIBLE FOR ASSISTANCE UNDER THE COMMUNITY ECONOMIC REVITALIZATION BOARD'S RURAL PROGRAM

Prime Sponsor: Senator T. Sheldon

(HB 2735 Representative Ormsby)

** SB 6288 is incorporated in its entirety into SB 6314.*

2SSB 6304: PROVIDING TAX RELIEF FOR ALUMINUM SMELTERS

Prime Sponsor: Senator Brandland

(HB 2339 Representative Morris)

- The business and occupation (B&O) tax rates are reduced for aluminum smelters to 0.2904 percent through 2006. Aluminum smelters may take a credit against B&O tax liability for property taxes paid through 2006.
- Businesses that sell electricity or natural or manufactured gas to aluminum smelters may receive a credit against tax liability under either the public utility tax or the B&O tax, if the price of the electricity or gas is reduced by the tax savings.
- Through 2006, aluminum smelters may take a credit against retail sales and use tax liability for the amount of the state portion of sales and use taxes paid on property and labor and services associated with the property. Aluminum smelters are exempt from the brokered natural gas use tax through 2006.
- Smelters must make an annual report if receiving any incentive in the bill. Legislative fiscal committees must report by December 1, of 2005, 2006, and 2010 on incentives in the bill.

SB 6314: CONCERNING THE COMMUNITY ECONOMIC REVITALIZATION BOARD

Prime Sponsor: Senator T. Sheldon

- One representative of a federally recognized Indian tribe is added to the list of those board members appointed by the Governor to the Community Economic Revitalization Board (CERB).
 - * SB 6288 is incorporated in its entirety into SB 6314, as described below.*
- References to federally recognized Indian tribes' eligibility for participation in CERB programs are added to the CERB statute.

E2SHB 2518: EXEMPTING FROM THE STATE PUBLIC UTILITY TAX THE SALES OF ELECTRICITY TO AN ELECTROLYTIC PROCESSING BUSINESS

Prime Sponsor: Representative Kirby

(SB 6157 Senator T. Sheldon)

- Effective July 1, 2004, income from the sales of electricity by a utility to a chlor-alkali or a sodium chlorate chemical business is exempt from the state's Public Utility Tax (PUT) if certain conditions are met.
- The exemption is terminated on June 30, 2011. Businesses receiving the tax exemption must make an annual report to the Department of Revenue. Legislative fiscal committees must report by December 1, of 2007 and 2010 on the effectiveness of the tax exemption.

HB 2612: MODIFYING PROVISIONS CONCERNING THE HANFORD AREA ECONOMIC INVESTMENT FUND

Prime Sponsor: Representative Grant

(SB 6281 Senator Hale)

- The Hanford Area Economic Investment Fund Committee is allowed to adopt administrative rules and a spending strategy for the Hanford Area Economic Investment Fund. The requirement that the committee recommend those rules and its spending strategy to the Director of the Department of Community, Trade, and Economic Development is eliminated.

SHB 2635: AUTHORIZING PORT DISTRICTS TO PROVIDE LIMITED CONSULTING SERVICES

Prime Sponsor: Representative Pettigrew

- Port districts are authorized to provide consulting services to governments and public agencies and receive compensation for such services.

HB 2647: CONTINUING THE EXISTENCE OF THE WASHINGTON QUALITY AWARD COUNCIL

Prime Sponsor: Representative Miloscia

- The termination date for the Washington quality award council was removed from statute, extending the life of the council indefinitely.

ESHB 2675: MODIFYING ELECTRIC UTILITY TAX CREDIT PROVISIONS

Prime Sponsor: Representative McMorris

(SB 6297 Senator Morton)

- The expiration date of a tax credit for contributions to an electric utility rural economic development revolving fund is extended from December 31, 2005, to June 30, 2011. The period over which contributions are measured for purposes of determining the amount of tax credit allowed is changed from a calendar year to any fiscal year.
- Utilities may work through associate development organizations to create revolving funds.
- Board members of an electric utility rural economic development revolving fund must live or work in the area served by the light and power business that contributes to the revolving fund.

ESHB 2784: CREATING THE SMALL BUSINESS INCUBATOR PROGRAM

Prime Sponsor: Representative Pettigrew

(SB 6627 Senator T. Sheldon)

- The Small Business Incubator (SBI) Program is created in the Department of Community, Trade, and Economic Development (CTED). Under the program, the department will award grants to qualified SBI organizations for the construction and equipment needs of the SBI and for technical assistance services. CTED is to develop criteria and accept donations for the program, and integrate the promotion of small business incubators as economic development tools in its strategic plan.
- To qualify for money under the SBI Program, an SBI organization must be a nonprofit 501(c)(3) organization focused on developing small businesses in an economically distressed or disadvantaged area.
- The Small Business Incubator account is created as a non-appropriated account in the custody of the State Treasurer.

HB 3172: PROVIDING FOR PAYMENT AGREEMENTS

Prime Sponsor: Representative Dunshee

- State and local governments, with the addition of city and regional transportation authorities, can continue to enter into certain debt payment agreements, or "swap" agreements after June 30, 2005.

EDUCATION

786-7420

SSB 5436: REGARDING FOODS AND BEVERAGES SOLD AT PUBLIC SCHOOLS

Prime Sponsor: Senator Kohl-Welles

- The language of SSB 5436 was struck and replaced with SB 6525.

** SB 6525 is incorporated in its entirety into SSB 5436, as described below.*

The Washington State School Directors Association (WSSDA), with the assistance of specified others, must form an advisory committee to develop a model policy regarding student access to nutritious foods and opportunities for developmentally-appropriate exercise.

- The model policy must address the nutritional content of foods and beverages sold or provided throughout the school day and the availability and quality of health nutrition and physical education curricula. The policy should include the development of a physical education curriculum that includes a minimum of 20 minutes daily of aerobic activity in the student's target heart rate zone for middle school students.
- The model policy and recommendations are submitted to the Governor and the Legislature by January 1, 2005. The model policy must be posted on the WSSDA website by January 1, 2005.
- Each school district must adopt its own policy by August 1, 2005.

E2SSB 5533: PROVIDING INCREASED ACCESS TO INFORMATION ON DISCIPLINARY ACTIONS TAKEN AGAINST SCHOOL EMPLOYEES

Prime Sponsor: Senator Kohl-Welles

(SHB 2456 Representative McDonald)

- Certificated and classified school district employees who apply to another school district must sign a release authorizing the disclosure of any sexual misconduct information.
- Prior to hiring an applicant, a school district must request from all of an applicant's previous school district employers any information about the applicant's sexual misconduct. If the applicant is a certificated employee, the district must request verification of certification status and misconduct information from the Office of the Superintendent of Public Instruction (OSPI). School districts are provided immunity for providing the required information in good faith and wrongful disclosure of the information is a misdemeanor.
- Beginning September 1, 2004, school districts are prohibited from entering into employment contracts or agreements that seal or expunge information concerning verbal abuse, physical abuse or sexual misconduct from an employee's files. After the completion of investigations, school employees have the right to review their files relating to sexual misconduct and attach rebuttals as the employee deems necessary. The State Board of Education defines "verbal abuse," "physical abuse" and "sexual misconduct."
- Districts must provide parents with information regarding their rights under the Washington Public Disclosure Act to request employee records regarding disciplinary action.
- If there has been a report of sexual misconduct, the school district must notify the parents of the student who is the victim of that misconduct within 48 hours of receiving the report.

** Provisions of SB 6530 are incorporated into E2SSB 5533, as described on page 21.*

- OSPI must report all types of disciplinary action taken to the existing national database to the extent that information is accepted.

ESSB 5877: CHANGING THE LEARNING ASSISTANCE PROGRAM

Prime Sponsor: Senator Johnson

(2ESHB 1989 Representative McDermott)

- The Learning Assistance Program (LAP) is reorganized with a focus on promoting the use of assessment data by schools as they are developing their programs and guiding schools in providing the most effective and efficient practices when implementing their programs. Full implementation of the new program elements is phased in over two school years.
- School districts are eligible for LAP funds after submitting and having a program plan approved by the Office of the Superintendent of Public Instruction (OSPI). Funds are distributed according to the biennial appropriations act to districts with an approved plan. A differential program plan approval process to be used by OSPI is established in the bill.
- The distribution formula must be based on assessment of students and one or more family income factors. Beginning in the 2005-06 school year, 50 percent of the distribution formula must be based on assessment and 50 percent must be based on one or more family income factors.

SSB 6171: REGARDING MISCONDUCT INVESTIGATIONS CONDUCTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Prime Sponsor: Senator Benton

- The Office of the Superintendent of Public Instruction (OSPI) must complete investigations of sexual misconduct toward a student within one year of initiation of the investigation unless there is an ongoing law enforcement investigation. OSPI may take additional time for reasonable cause but must provide written notice to the parties as listed in the bill. Prior to conducting an investigation, OSPI must verify that the incident has been reported to the proper law enforcement agency.
- Written notice of the final disposition of any complaint must be provided by OSPI to the person who filed the complaint.
 - * *SB 6433 is incorporated in its entirety into SSB 6171, as described below.*
- Once an investigation has been initiated by OSPI it must be completed regardless of whether the individual under investigation has resigned or allowed his or her certificate to lapse.
 - * *Provisions of SB 6594 are incorporated into SSB 6171, as described below.*
- Parents and community members are authorized to file complaints alleging physical abuse or sexual misconduct directly with OSPI, and OSPI may initiate an investigation based solely on that complaint.

SSB 6211: CHANGING THE SCHOOL DISTRICT LEVY BASE CALCULATION

Prime Sponsor: Senator Carlson

(HB 2775 Representative Fromhold)

- For excess levies and levy equalization allocations in calendar years 2005 through 2007, each district's levy base is increased by (1) the difference between the amount the district would have received in the current school year under I-728 as originally passed by voters and the amount the district actually receives in the current school year under I-728 as amended in 2003; and (2) the difference between the amount the district would have received in the prior school year under I-732 as originally passed by voters and the amount the district actually received in the prior school year under I-732 as amended in 2003.

- The amount of the increase in the levy base is offset by amounts from additional salary or per student allocations that are added to the levy base as a result of enactment of an initiative to the people subsequent to the effective date of the bill.

2SSB 6220: REGARDING SCHOOL EMPLOYEE DUTY TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT

Prime Sponsor: Senator Kohl-Welles

- A reference to the mandatory child abuse or neglect reporting laws and school personnel's responsibilities under those laws is added to the education code, and school employees must receive training regarding the requirements of those laws.
- All school employees who have knowledge of or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct must report the abuse or misconduct to the school administrator.
- School administrators must follow the reporting requirements of the mandatory reporting laws and report to law enforcement, if necessary. During the process of determining whether a report must be filed, the school administrator must contact all parties involved in the complaint.

SSB 6245: RELATING TO RESIDENCY TEACHER CERTIFICATION PARTNERSHIP PROGRAMS

Prime Sponsor: Senator Zarelli

- A fourth alternative route is created for teacher certification.
- Eligibility requirements for route four include: (1) current employment by the school district or an emergency substitute certification; (2) a Baccalaureate Degree; (3) five years experience in the work force; (4) passage of the statewide basic skills and content exams; (5) external validation of qualifications, including success with students/children; and (6) meets the age, good moral character, and personal fitness requirements for teachers.

SB 6433: REGARDING INVESTIGATIONS BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Prime Sponsor: Senator Benton

** SB 6433 is incorporated in its entirety into SSB 6171.*

SB 6525: REQUIRING DEVELOPMENT OF A MODEL POLICY FOR NUTRITION AND PHYSICAL ACTIVITY FOR SCHOOLS

Prime Sponsor: Senator Johnson

** SB 6525 is incorporated in its entirety into SSB 5436.*

SB 6530: ESTABLISHING REQUIREMENT FOR REPORTING REPRIMANDS AND STAYED SUSPENSIONS AGAINST CERTIFICATED STAFF

Prime Sponsor: Senator Kohl-Welles

** Provisions of SB 6530 are incorporated into E2SSB 5533.*

SB 6594: REGARDING INVESTIGATIONS BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Prime Sponsor: Senator Benton

** Provisions of SB 6594 are incorporated into SSB 6171.*

SHB 1995: CHANGING THE ALLOWED DISPOSITION OF PROCEEDS FROM THE LEASE, RENTAL, OR OCCASIONAL USE OF SCHOOL DISTRICT REAL PROPERTY

Prime Sponsor: Representative Quall

(SB 5844 Senator Johnson)

- A school district may deposit revenues derived from the lease or rental of surplus real property into the general fund to be used only for nonrecurring costs related to operating any school facilities.
- Before exercising this option, the district must evaluate the sufficiency of the school district's capital projects fund for the purposes of meeting demands for new construction and improvements and must cover any costs associated with the rental of that property.

3ESHB 2195: REGARDING STATE ASSESSMENT STANDARDS

Prime Sponsor: Representative McDermott

- The Certificate of Mastery is renamed the Certificate of Academic Achievement. The certificate is earned by successfully meeting the state standards on the reading, writing, & math sections of the high school Washington Assessment of Student Learning (WASL) and, with the exception of some special education students, is required for public high school graduation beginning in 2008. Science is added to the certificate and graduation requirements in 2010. Once alternative assessments are approved by the Legislature students may also earn the certificate through success on an alternative assessment.
- Beginning no later than September 2006, students may retake the WASL up to four times in the content areas in which they were unsuccessful, at no cost to the students. Students who are successful but who wish to improve their results may pay to retake the test.
- Students who are not appropriately assessed by the WASL because of a disability may earn a Certificate of Individual Achievement, which is required for graduation. This certificate may be earned using multiple ways to demonstrate skills commensurate with the student's individual education program.
- Students in grade 5 and grades 8 through 12 who are not successful on the WASL must have a plan to meet the state standards and graduate. The plan must be shared with parents annually.
- Beginning in the 2008-09 school year, school districts must have classroom-based assessments or other strategies in the social studies, arts, and health & fitness subjects and annually submit an implementation verification report to the Superintendent of Public Instruction.

E2SHB 2295: PROVIDING FOR CHARTER SCHOOLS

Prime Sponsor: Representative Quall

- A new chapter is created in the education code establishing a process for creating and operating a limited number of state-funded charter schools operating independently of all state laws and rules, except those specified in the act.

SHB 2462: PROVIDING FOR DISPOSITION OF FUNDS FROM TEACHERS' COTTAGES

Prime Sponsor: Representative Quall

- A second-class, non-high school district that serves fewer than 40 students and is totally surrounded by water may build teacher cottages using existing district funds without first obtaining voter approval.
- Any income derived from the cottages, including rental or sale of the cottage, may be deposited into the district's general fund, debt service fund, and/or capital projects fund.

FINANCIAL SERVICES, INSURANCE & HOUSING

786-7408

2SSB 5793: CHANGING ON A TEMPORARY BASIS THE MINIMUM NONFORFEITURE AMOUNTS APPLICABLE TO CERTAIN CONTRACTS OF LIFE INSURANCE AND ANNUITIES

Prime Sponsor: Senator Winsley

- “Minimum nonforfeiture rates” are the minimum interest an insurer must pay on paid-up annuity or life insurance death benefits, if the insured opts to "cash out" a policy. The National Association of Insurance Commissioners (NAIC) has model nonforfeiture rates, which are adopted in Washington State after July 2006.

SB 5869: AUTHORIZING NONPROFIT CORPORATIONS TO PARTICIPATE IN SELF-INSURANCE RISK POOLS

Prime Sponsor: Senator T. Sheldon

(E2SHB 1840 Representative Clibborn)

- Nonprofit corporations are permitted to self-insure in the same manner as local government entities. They can purchase insurance or reinsurance along with other nonprofits, and jointly contract for risk management and claims administration.
- The Office of the Insurance Commissioner has regulatory oversight.

ESSB 6112: REGULATING SELF-FUNDED MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

Prime Sponsor: Senator Prentice

(HB 2526 Representative Schual-Berke)

- "Multiple Employer Welfare Arrangements" (MEWAs) are a form of group purchasing arrangement providing health care coverage for workers. Approximately 40 states have laws regulating MEWAs.
- MEWAs are regulated in Washington State by the Office of the Insurance Commissioner (OIC), with numerous reporting requirements. MEWAs must deposit \$200,000 and maintain a surplus of at least \$2 million. They are subject to sanction for noncompliance, and the OIC may perform market conduct exams on MEWAs.

SB 6123: MODIFYING THE PUBLIC ACCOUNTANCY ACT

Prime Sponsor: Senator Carlson

(HB 2484 Representative Conway)

- The Washington State Board of Accountancy extends its sanction authority to include authority over impostors and those who cheat on the Certified Public Accountant (CPA) exam.
- Criminal penalties are established for those who illegally use the "CPA" designation.
- Changes are made in reciprocal licensure, and grace periods are extended for those converting from certificates to CPA licenses.

ESSB 6153: NOTIFYING HOME BUYERS OF WHERE INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED

Prime Sponsor: Senator Prentice

- Beginning in 2005, the residential real estate seller disclosure form will include a "Notice to the Buyer" informing the buyer that information regarding registered sex offenders may be obtained from local law

enforcement agencies and a statement that the notice is intended only to inform the buyer of where to obtain the information and does not indicate the presence of registered sex offenders.

ESB 6158: STUDYING WORKERS' COMPENSATION POLICIES PURCHASED UNDER THE WASHINGTON GUARANTEE ASSOCIATION

Prime Sponsor: Senator Prentice

(HB 2480 Representative G. Simpson)

- The Washington Insurance Commissioner will study the impact of covering workers' compensation insurance policies purchased on the commercial market under the Washington guarantee association.
- The study will focus on the effect of providing coverage for Longshore and Harbor Workers' Compensation Act insurance, for commercial insurance on employments which are not covered by Washington industrial insurance provisions, and for workers' compensation policies purchased by tribal employers.
- The study will be reported to the Legislature by December 1, 2004.

SSB 6402: GIVING LANDLORDS THE FLEXIBILITY TO DEPOSIT LANDLORD TRUST ACCOUNT FUNDS IN ANY FINANCIAL INSTITUTION

Prime Sponsor: Senator Benton

(HB 2715 Representative Schual-Berke)

- Landlords, including mobile home landlords, have the option of depositing the tenant's security deposit in a separate trust account at a credit union, along with the choice of many other types of financial institutions.

SB 6593: PROHIBITING DISCRIMINATION AGAINST CONSUMERS' CHOICES IN HOUSING

Prime Sponsor: Senator Prentice

- Cities, code cities, and counties generally regulate manufactured homes in the same manner as all other homes. They may require new manufactured homes. The foundation must meet the manufacturer's design standard, and the placement of concrete or a concrete product between the base of the home and the ground may be required. Thermal standards must be consistent with the standards for manufactured homes.

SSB 6649: RETAINING FEES FOR MOBILE/MANUFACTURED HOMES AND FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES

Prime Sponsor: Senator Benton

(HB 2625 Representative McCoy)

- The authority of the Department of Labor and Industries to adopt statewide fee schedules for mobile/manufactured home alteration permits and for plan review and inspections of factory-built housing and commercial structures is extended to April 1, 2009.
- Indigent permit applicants may obtain a fee waiver for mobile/manufactured home alteration permits.

2EHB 1645: ADDRESSING PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING IN THE RENTAL OF HOUSING

Prime Sponsor: Representative Kessler

(SB 5524 Senator Benton)

- Tenants who are victims of domestic violence, sexual assault, or stalking are permitted to break a residential rental agreement under certain circumstances without incurring further obligation.

- A landlord is prohibited from terminating a tenancy, failing to renew a tenancy, or refusing to enter into a rental agreement with a person who is a victim of domestic violence, sexual assault, or stalking.

EHB 2364: REGULATING HOMEOWNER'S INSURANCE

Prime Sponsor: Representative Kagi

- Homeowner's insurance companies are prohibited from discriminating against foster-family homes in making underwriting decisions. An insurer cannot deny, cancel, modify, or refuse to renew a homeowner's policy based on the principal reason that the home of the insured or applicant is a foster-family home.

SHB 2455: PROVIDING FOR FINANCIAL LITERACY

Prime Sponsor: Representative Santos

(SSB 6212 Senator Keiser)

- To improve financial literacy through the educational system, the "Financial Literacy Public Private Partnership" (FLPPP) is created.
- The FLPPP establishes a working definition of "financial literacy," and acts with the Office of the Superintendent of Public Instruction, serving as a resource to incorporate grade-appropriate literacy curricula into schools. The FLPPP reports on its findings, and ends in 2007.

HB 2727: REQUIRING ALL INSURERS TO FILE CREDIT BASED RATING PLANS

Prime Sponsor: Representative D. Simpson

(SB 6381 Senator Prentice)

- The use of credit scoring as a factor in determining some types of insurance rates is permitted under current law. Insurers (including affiliated insurers) that use credit history must file the affected lines' rates and rating plans with the Office of the Insurance Commissioner.
- Some insurance eligibility rules and guidelines are protected from public disclosure, to the same extent as trade secrets.

HB 2817: REGULATING INSURANCE INVESTMENTS IN LIMITED LIABILITY COMPANIES FORMED TO DEVELOP REAL PROPERTY

Prime Sponsor: Representative Hatfield

(SB 6579 Senator Winsley)

- Insurers are strictly limited regarding the amount and types of various investments permitted for them. However, within prudent limits, some expansion of investment authority may be reasonable and beneficial.
- Insurers are allowed to invest in Limited Liability Companies, in order to develop real property, as long as the investment does not exceed four percent of assets.

HB 2838: REGULATING CAPITAL CALLS BY DOMESTIC MUTUAL INSURERS

Prime Sponsor: Representative Benson

(SB 6434 Senator Benton)

- Under some circumstances, Washington state mutual insurers may need to raise capital, without issuing stocks or bonds or selling assets.
- By using a "capital call" and requiring a sum of money in addition to a premium payment, an insurer can raise capital. This can only be done after approval by the Office of the Insurance Commissioner, and must be justifiable and in the best interests of consumers and the insurer.

HB 2934: LIMITING HOMEOWNERS' ASSOCIATIONS' RESTRICTIONS ON THE DISPLAY OF THE FLAG

Prime Sponsor: Representative Wallace

- Homeowners' associations cannot prohibit display of the American flag, but may have reasonable rules and regulations regarding the manner and placement of the display.

EHB 2987: OFFERING MOTORCYCLE OR MOTOR-DRIVEN CYCLE INSURANCE

Prime Sponsor: Representative Roach

(SB 6630 Senator Prentice)

- Insurers offering underinsured coverage for motorcycles must provide information on that coverage to prospective insureds.

EHB 3036: MODIFYING UNCLAIMED PROPERTY LAWS FOR GIFT CERTIFICATES

Prime Sponsor: Representative Hunter

(ESSB 6675 Senator Horn)

- Consumer gift cards/certificates are popular, but sometimes consumers are confronted with unexpected expiration dates and hidden fees, causing them to lose the full face value of the card. Some gift cards have been treated as "unclaimed property."
- Gift certificates cannot include expiration dates, unless they are part of a promotional fund-raiser, in which case they can expire within three years. Unclaimed property laws generally do not apply to gift cards with no expiration date.
- Gift certificates cannot have service charges, fees, or dormancy/inactivity charges, and if partially used, they must have residual value.

SHJM 4028: REQUESTING THAT FUNDS BE PROMPTLY DISBURSED TO HOLOCAUST SURVIVORS

Prime Sponsor: Representative Schual-Berke

(SB 8023 Senator Kline)

- The International Commission of Holocaust Era Insurance Claims (ICHEIC) is requested to promptly distribute humanitarian funds to Holocaust survivors, many of whom are elderly and lack basic necessities, including food, shelter, and medical care.
- The Washington State Insurance Commissioner is requested to utilize his position on the National Association of Insurance Commissioners International Holocaust Commission Task Force to further this effort.

GOVERNMENT OPERATIONS & ELECTIONS

786-7432

SSB 5326: CREATING REGIONAL FIRE PROTECTION SERVICE AUTHORITIES

Prime Sponsor: Senator Winsley

(2SHB 1345 Representative Cooper)

- The regional fire protection service authority, a new special purpose district, is authorized to be created by the voters of the proposed regional authority. The regional authority is overlaid upon existing fire fighting jurisdictions.
- The regional authority has the power to impose voter-approved property tax levies that are an alternative to, rather than in addition to, the existing taxing authority of the underlying jurisdictions. The regional authority may also impose voter-approved benefit charges.
- The regional authority has the power of eminent domain and the authority to issue general obligation bonds and other debt instruments.
- Fire commissioners who serve on the regional board are paid up to \$700 per year in addition to their compensation as commissioners in the underlying districts.

ESSB 5861: MAKING IT A CRIME TO IMPERSONATE A VETERAN OF THE ARMED FORCES

Prime Sponsor: Senator Roach

- Falsely assuming the identity of a veteran or active duty service member with intent to defraud is criminal impersonation in the second degree, a misdemeanor.

SSB 6115: PROVIDING A USE TAX EXEMPTION FOR AMUSEMENT AND RECREATION SERVICES DONATED TO OR BY NONPROFIT ORGANIZATIONS OR STATE OR LOCAL GOVERNMENTAL ENTITIES

Prime Sponsor: Senator Roach

- Amusement and recreation services are exempted from the use tax when these services are donated to nonprofit organizations or to state or local governments.

SSB 6208: REGARDING TEMPORARY WATER-SEWER CONNECTIONS

Prime Sponsor: Senator Roach

- Two options are provided for a water-sewer district to accommodate a property owner's request for a temporary connection to the district's system when the district does not plan to have permanent facilities extending throughout that part of the district.
- One option is for the property owner to pay a proportionate share of the cost of future local facilities.
- The other option is for the property owner to pay the connection charge and agree to connect to permanent facilities in the future.

SSB 6302: ESTABLISHING ADDITIONAL PROTECTIONS FOR PERSONS ORDERED TO ACTIVE MILITARY SERVICE

Prime Sponsor: Senator Murray

- A student at a postsecondary educational institution who is ordered to active state service or federal active service for more than 30 days is entitled to withdraw from courses and have tuition and fees credited to the person's account at the institution.
- The student is also entitled to receive a refund of amounts paid for room and board.
 - * *ESHB 3101 is incorporated in part into SSB 6302, as described below.*
- A provision is added to the Deed of Trust Act stating that the rights and duties conveyed under the federal Servicemember's Civil Relief Act apply to deeds of trust under Washington law.
- No interest or penalties may be assessed for the period from April 30, 2003 through April 30, 2005 on delinquent 2003 or 2004 property taxes for military personnel who participate in Operation Enduring Freedom.

SB 6417: INCORPORATING THE 2003 CHANGES INTO TITLE 29A RCW

Prime Sponsor: Senator Roach

(HB 2742 Representative Haigh)

- Bills passed last year amending Title 29 statutes are reenacted in Title 29A.

SSB 6419: IMPLEMENTING THE HELP AMERICA VOTE ACT

Prime Sponsor: Senator Roach

(HB 2744 Representative Miloscia)

- Requirements of the federal Help America Vote Act of 2002 (HAVA) are implemented.
- The Secretary of State must create and maintain a statewide voter registration database.
- The Secretary of State is directed to establish a competitive local grant program and advisory committee to award grants designed to help implement HAVA requirements.
- An early voting process is created for disabled voters with specific dates, locations and hours for disabled voting designated by the county auditor.
- The administrative complaint procedure required by HAVA is adopted by the state.
- Provisional ballots must be provided in the event that a court, state or federal order extends the official poll closing time.

ESB 6453: ENACTING A QUALIFYING PRIMARY

Prime Sponsor: Senator Roach

(HB 3177 Representative Hatfield)

- A "top-two" qualifying primary is enacted whereby the two candidates receiving the highest number of votes advance to the general election.
 - * *Provisions of HB 2687 are incorporated into ESB 6453, as described below.*
- If a court rules that a candidate cannot state a political party that best approximates his or her political philosophy on the declaration of candidacy, the state will revert to a nominating primary, commonly referred to as the straight Montana primary.

SB 6493: CHANGING PROVISIONS RELATING TO RESPONSIBILITY FOR COSTS OF ELECTIONS

Prime Sponsor: Senator Horn

- Costs associated with statewide races and measures in even-numbered years must be borne by the county.
- Cities, towns, and special purpose districts' share of election costs must not include any costs associated with the election of statewide officers or ballot measures.
* *HB 2438 is incorporated in its entirety into SB 6493, as described below.*
- The requirement that a noncharter code city change of government proposal be voted on at a general election held within 180 days or at a special election is eliminated. Consequently, the change of government proposal is voted on at the next general election.

SB 6550: MODIFYING LODGING TAXES

Prime Sponsor: Senator Rasmussen

(HB 2954 Representative Conway)

* *SB 6550 is incorporated in its entirety into SHB 2878.*

ESJM 8039: REQUESTING RELIEF FOR MILITARY INSTALLATIONS IN WASHINGTON STATE FROM THE LATEST ROUND OF CLOSURES UNDER THE BASE REALIGNMENT AND CLOSURE PROCESS

Prime Sponsor: Senator Shin

- The Washington State Legislature prays that the President, Congress, and the Department of Defense recognize the strategic importance of Washington military bases and not make them victims of the 2005 round of base realignments and closures.

SJM 8040: REQUESTING FUNDING FOR VETERANS' HEALTH CARE NEEDS

Prime Sponsor: Senator Shin

- The Washington State Legislature prays that Congress, the President and the Secretary of the United States Department of Veterans Affairs adequately serve the current and future health care needs of this state's veterans by acknowledging them in the Federal Capital Asset Realignment for Enhanced Services (CARES) initiative.

HB 2438: REVISING PROVISION FOR ELECTIONS FOR CHANGING A MUNICIPAL PLAN OF GOVERNMENT

Prime Sponsor: Representative Buck

* *HB 2438 is incorporated in its entirety into SB 6493.*

HB 2490: PROVIDING FOR REPRESENTATION ON GOVERNING BODY FOR PUBLIC HOSPITAL DISTRICT THAT JOINS WITH ANOTHER ENTITY

Prime Sponsor: Representative Haigh

* *HB 2490 is incorporated in its entirety into SB 6485*

SHB 2507: PROVIDING FOR THE RECOUPMENT OF COUNTY AND CITY EMPLOYEE SALARY AND WAGE OVERPAYMENTS

Prime Sponsor: Representative Conway

(SB 6299 Senator Winsley)

- Counties and cities, as employers, are authorized to recover overpayments of wages to employees in the same manner as the state.

HB 2598: PROVIDING VENUE FOR ADMINISTRATIVE RULE CHALLENGES IN SPOKANE, YAKIMA, AND BELLINGHAM FOR RESIDENTS OF THOSE APPELLATE DISTRICTS

Prime Sponsor: Representative Grant

(SB 6491 Senator Roach)

- Validity of agency rules may be challenged in Spokane, Yakima and Whatcom counties, in addition to Thurston County, through July 1, 2008.

HB 2615: MODIFYING THE INTERLOCAL COOPERATION ACT REGARDING NOTICE REQUIREMENTS FOR CONTRACTING

Prime Sponsor: Representative Jarrett

- For public agencies purchasing through a bid awarded by another public agency, the notice obligation is satisfied if the public agency awarding the bid complied with its own statutory requirements and posted either the bid or solicitation notice on a web site, or provided an access link on the state's web portal.

HB 2683: CHANGING PROVISIONS RELATING TO PROVIDING NOTICE OF PROPOSED RULE CHANGES

Prime Sponsor: Representative Haigh

(SB 6306 Senator Roach)

- During a four-year pilot project, ten agencies will make electronic filings of proposed, emergency and expedited rule making notices with the Joint Administrative Rules Review Committee (JARRC).
- Agencies responding to requests from the public for copies of rule making documents or policy statements may provide summaries instead of the entire documents.

HB 2687: CREATING AN OPEN PRIMARY

Prime Sponsor: Representative McDermott

** Provisions of HB 2687 are incorporated into ESB 6453.*

SHB 2878: MAKING CHANGES TO COUNTY TREASURER STATUTES

Prime Sponsor: Representative Romero

(SB 6296 Senator Roach)

- Technical changes are made to county treasurer statutes.
 - * SB 6550 is incorporated in its entirety into SHB 2878, as described below.*
- The date used as a reference point for determining the maximum lodging tax rate for certain jurisdictions is changed from January 1, 1999 to January 31, 1999.

SHB 2891: MODIFYING PUBLIC UTILITY DISTRICT PROVISIONS

Prime Sponsor: Representative Grant

(SB 6521 Senator Hewitt)

- A process is established for changing the commissioner district boundaries of a Public Utility District (PUD) that is located in a county with a federal nuclear reservation.

- A precinct is withdrawn from a PUD if the precinct receives at least one electric, water, or sewer service from a city, and no such service from the PUD. A precinct is included in a PUD if any portion of the precinct receives at least one electric distribution, water, or sewer service from the PUD.

HEALTH & LONG-TERM CARE

786-7436

SSB 5732: REVISING PROVISIONS FOR LONG-TERM CARE SERVICE OPTIONS

Prime Sponsor: Senator Deccio

(HB 2126 Representative Campbell)

- Area Agencies on Aging must verify, rather than ensure, that a client's care plan meets the needs of the client.
- The provider must state in the plan of care that he or she has the ability to carry out his or her responsibilities.
- An individual consumer's needs may be met through an alternative delivery system.

SSB 5733: IMPROVING FAIRNESS AND PROTECTION IN BOARDING HOMES AND ADULT FAMILY HOMES

Prime Sponsor: Senator Winsley

(HB 1779 Representative Edwards)

- Change of ownership rules of boarding homes and adult family homes are clarified and simplified.
- The new owner of a boarding home or adult family home is responsible for correcting all violations that may exist at the time of change of ownership.

SSB 5797: REQUIRING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO INSPECT ADULT FAMILY HOMES AT LEAST EVERY TWENTY-FOUR MONTHS

Prime Sponsor: Senator Parlette

- The Department of Social and Health Services is authorized to extend the inspection cycle for an adult family home to every 24 months if the facility has received three consecutive inspections without any citations and has no violations resulting from complaint investigations.

SSB 6160: REGARDING FAIRNESS AND ACCURACY IN THE DISTRIBUTION OF RISK IN BOARDING HOMES AND NURSING HOMES

Prime Sponsor: Senator Parlette

(HB 2515 Representative Schual-Berke)

- Boarding homes may establish quality assurance committees. The reports and records produced from these committees cannot be disclosed except under certain circumstances.
- The financial records of boarding homes may not be inspected unless there is reason to believe that the facility is in financial jeopardy.

ESSB 6210: MODIFYING MEDICAL INFORMATION EXCHANGE AND DISCLOSURE PROVISIONS

Prime Sponsor: Senator Keiser

- Coordinated quality improvement programs, review committees, or professional society or hospital boards are permitted to share information with other such programs, committees, or boards.
- A presumption of good faith is created for persons and entities that share information.

SSB 6225: CONCERNING BOARDING HOME DOMICILIARY SERVICES

Prime Sponsor: Senator Deccio

(HB 2528 Representative Darneille)

- A boarding home is not required to provide the higher level of care associated with supporting activities of daily living, but if it reduces the level of service, it must notify residents in writing within 90 days.
- Residents may pay for outside vendors to provide services which are not otherwise available at the boarding home.

SB 6356: MODIFYING PHYSICIAN ASSISTANT PROVISIONS

Prime Sponsor: Senator Honeyford

- Physician assistants are permitted to assist workers applying for compensation for simple industrial injuries.
- The Department of Labor and Industries is required to report the effects of this bill to the pertinent Legislative committees.

SSB 6466: REGARDING THE ADMISSION OF RESIDENTS TO NURSING FACILITIES

Prime Sponsor: Senator Fairley

(HB 2496 Representative Schual-Berke)

- A resident of a boarding home or other independent living facility seeking admission to a nursing home owned by the same company as his or her current facility may be given preferential admission over a person seeking admission from a facility not owned by the same company.
- Nursing homes must readmit residents on temporary leave for health purposes.

ESSB 6478: INCREASING THE REGULATION OF THE SALE OF EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE

Prime Sponsor: Senator Brandland

(ESHB 2844 Representative Lovick)

- Shopkeepers may purchase ephedrine products only from licensed wholesalers and manufacturers. If they purchase such products in a suspicious transaction then they are subject to percentage-of-sales and record-keeping requirements.
- It is a Class C felony for wholesalers to sell ephedrine products directly to consumers.
- All wholesalers doing business in Washington are required to be licensed by the Department of Health.

SB 6485: IMPROVING THE REGULATORY ENVIRONMENT FOR HOSPITALS

Prime Sponsor: Senator Deccio

- State agencies that conduct hospital surveys or audits must take specified actions to coordinate and reduce the administrative burden of those surveys and audits.
 - * *ESHB 2851 is incorporated in its entirety into SB 6485, as described below.*
- Certain critical access hospitals are exempt from certificate of need review when increasing bed capacity up to 25 beds and when redistributing beds among acute care and nursing home care.
 - * *HB 2490 is incorporated in its entirety into SB 6485, as described below.*
- The participation of public hospital district commissioners on the governing body of a joint entity is made permissive rather than mandatory.

SSB 6494: PREVENTING THE USE OF COMPLETE SOCIAL SECURITY NUMBERS ON HEALTH INSURANCE CARDS

Prime Sponsor: Senator Parlette

- Health insurance cards may not display more than a four-digit portion of a person's complete Social Security number.

ESSB 6554: ELIMINATING CREDENTIALING BARRIERS FOR HEALTH PROFESSIONS

Prime Sponsor: Senator Franklin

(HB 2850 Representative Morrell)

- Changes are made to the licensing requirements for acupuncturists, dental hygienists, dispensing opticians, nurses, psychologists, and respiratory care practitioners with regard to educational courses, clinical training, citizenship, examinations, and transcripts.

SCR 8419: CREATING A JOINT SELECT COMMITTEE ON HEALTH DISPARITIES

Prime Sponsor: Senator Franklin

- A joint select committee on health disparities is created. It is charged with identifying opportunities for improving health care and health status in communities of color.

HB 2014: PREVENTING DENIAL OF INSURANCE COVERAGE FOR INJURIES CAUSED BY NARCOTIC OR ALCOHOL USE

Prime Sponsor: Representative Flannigan

(SB 5964 Senator Thibaudeau)

- The law allowing individual disability insurance policies to deny payment for the treatment of injuries sustained as a consequence of the insured person being intoxicated or under the influence of a narcotic is repealed.
- All health carriers are explicitly prohibited from denying coverage for the treatment of an injury solely because the injury was sustained as a consequence of the insured being intoxicated or under the influence of alcohol.

ESHB 2354: CONCERNING RATES FOR A MEDICARE SUPPLEMENT INSURANCE POLICY

Prime Sponsor: Representative Kristiansen

- Health carriers that issue Medicare supplement insurance policies are authorized to provide premium rate discounts based on spousal coverage and the method and frequency of payment, including automatic deposit of premiums.

ESHB 2460: PROVIDING ACCESS TO HEALTH INSURANCE FOR SMALL EMPLOYERS AND THEIR EMPLOYEES

Prime Sponsor: Representative Cody

(SB 5521 Senator Deccio)

- Numerous changes are made to the laws regulating the content, availability and price of health insurance policies for small employers.
- Certain persons who lose insurance coverage offered through an employer with less than 20 employees may enroll in an individual health plan without being subject to a health screen.

ESHB 2554: AUTHORIZING COLLECTION OF SUPPORT PAYMENTS FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES IN OUT-OF-HOME CARE

Prime Sponsor: Representative Dickerson

(SB 6379 Senator Deccio)

- The Department of Social and Health Services (DSHS) is authorized to seek child support from parents of a child placed in foster care as a result of a dependency or termination action, including a child with a developmental disability.
- DSHS is authorized to administratively establish child support for a child in a dependency or termination action, in the absence of a court order.

HB 2663: REQUIRING USE OF RESPECTFUL LANGUAGE IN THE REVISED CODE OF WASHINGTON REGARDING INDIVIDUALS WITH DISABILITIES

Prime Sponsor: Representative Haigh

(SB 6241 Senator Regala)

- The Code Reviser is instructed to use specific "person first" language when referencing individuals with disabilities in new and revised statutes.
- Agencies drafting rules in the future are directed to also use language that references the individual before the disability.

ESHB 2787: PROVIDING IMMUNITY FROM LIABILITY FOR LICENSED HEALTH CARE PROVIDERS AT COMMUNITY HEALTH CARE SETTINGS

Prime Sponsor: Representative Kessler

- Good Samaritan Act immunity coverage is expanded from physicians to all licensed health care providers volunteering health care services in certain health care settings.

SHB 2788: ESTABLISHING PRIORITY FOR FUNDS IN THE LIABILITY INSURANCE PROGRAM FOR RETIRED PRIMARY CARE PROVIDERS VOLUNTEERING TO SERVE LOW-INCOME PATIENTS

Prime Sponsor: Representative Kessler

- The Department of Health's retired primary care provider liability insurance purchasing program is broadened to include volunteers at clinics serving low-income patients.
- If the program funding does not cover all applicants, priority is given to providers practicing at public or nonprofit entities.

ESHB 2797: INCREASING ACCESS TO HEALTH INSURANCE OPTIONS FOR CERTAIN PERSONS ELIGIBLE FOR THE FEDERAL HEALTH COVERAGE TAX CREDIT UNDER THE TRADE ACT OF 2002 (P.L. 107-210)

Prime Sponsor: Representative Morrell

- A person eligible for the federal Health Coverage Tax Credit (HCTC) may enroll in the Basic Health Plan (BHP) on a nonsubsidized basis. In addition to the full cost of coverage, the premium charged such an enrollee must include affiliated administrative expenses.
- The Health Care Authority must establish a mechanism for receiving premium payments from the U.S. Internal Revenue Service for HCTC enrollees.

- Enrollment in the BHP by a person eligible for the HCTC qualifies as a "health plan" for purposes of reducing the pre-existing condition waiting period in any group or individual plan in which the person may subsequently enroll.

ESHB 2851: REMOVING CERTIFICATE OF NEED LIMITATIONS ON BED CAPACITY AND REDISTRIBUTION FOR FEDERALLY CERTIFIED CRITICAL ACCESS HOSPITALS

Prime Sponsor: Representative Clibborn

(SB 6556 Senator Keiser)

** ESHB 2851 is incorporated in its entirety into SB 6485.*

SHB 2985: PROVIDING FOR INDIVIDUAL HEALTH INSURANCE FOR RETIRED AND DISABLED PUBLIC EMPLOYEES

Prime Sponsor: Representative Cody

- If local political subdivisions are unable, despite a good faith effort, to offer access to fully insured group health insurance for their retirees and disabled employees, they must assist these employees in applying for individual health benefit plans.
- The Office of the Insurance Commissioner must make available to local political subdivisions information regarding individual health benefit plans.

HJM 4041: REQUESTING RELIEF FOR THE AGANDA FAMILY OF SELAH, WASHINGTON

Prime Sponsor: Representative Clements

- A petition is made to the President of the United States and various federal agencies on behalf of the Aganda family requesting they not be deported due to the precarious health status of Mrs. Aganda.

HIGHER EDUCATION

786-7415

SSB 5139: CONCERNING STUDENT PREPARATION FOR COLLEGE-LEVEL WORK

Prime Sponsor: Senator Carlson

- The Higher Education Coordinating Board, the State Board for Community and Technical Colleges, and the Office of the Superintendent of Public Instruction are directed to convene a work group including representatives of the two- and four-year colleges to (1) identify causes and initiate actions to address the remediation requirements of recent high school graduates, (2) communicate the standards to all high schools, and (3) by December 15, 2004, report to the Legislature including strategies for reducing remediation over the next three years.

SSB 5677: REQUIRING ANNUAL MEETINGS TO FOCUS ON IMPLEMENTING CROSS-SECTOR EDUCATION POLICIES

Prime Sponsor: Senator McAuliffe

- An annual meeting of higher education agencies is convened to focus on the implementation of cross-sector policies.
- The role of convener begins with the Council of Presidents and then rotates through the participating agencies which include the State Board of Education, Higher Education Coordinating Board, Office of Superintendent of Public Instruction, State Board for Community and Technical Colleges, and Workforce Training and Education Coordinating Board.
- The convening agency sets a focused and specific meeting agenda as well as summarizes the group's work and proposes an action plan for the ensuing year.

SB 6164: CONCERNING RESIDENCY STATUS OF MILITARY DEPENDENTS

Prime Sponsor: Senator B. Sheldon

- Included in the definition of resident student for tuition paying purposes is a student who remains continuously enrolled in a degree program even when the family member on active military duty is reassigned out-of-state.
- "Active military duty" is defined by the same criteria as used by the State Department of Veterans' Affairs to include Merchant Marines and Coast Guard along with the other services.

SB 6407: CONCERNING SCHOOL DISTRICT SUPERINTENDENT CREDENTIAL PREPARATION PROGRAMS

Prime Sponsor: Senator Shin

(HB 2720 Representative Kenney)

- Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are added to the list of institutions authorized to offer training for superintendents over and above that required for teaching certificates and principals' credentials.

**SSB 6501: REGARDING INSTRUCTIONAL MATERIALS FOR STUDENTS WITH DISABILITIES
AT PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION**

Prime Sponsor: Senator Carlson

(HB 2911 Representative Kenney)

- Publishers are required to provide college instructional materials in an electronic format when requested by a college or university for the purpose of accommodating students with print access disabilities.
- Institutions of higher education are directed to adopt guidelines for requesting and utilizing alternative format instructional materials.

**SB 6561: STRENGTHENING LINKAGES BETWEEN K-12 AND HIGHER EDUCATION
SYSTEMS**

Prime Sponsor: Senator Carlson

(HB 2956 Representative Quall)

- The State Board for Community and Technical Colleges, the Higher Education Coordinating board, the Council of Presidents, the Superintendent of Public Instruction, representatives from secondary school principals and school district superintendents, and the Workforce Training and Education Coordinating Board are instructed to work together to expand dual enrollment programs.
- The expansion of dual enrollment programs on high school campuses is not meant to reduce dual enrollment programs on college campuses.
- The report to the Legislature by December 15, 2004, will include legislative actions needed to encourage the availability of dual enrollment options.

**SSB 6568: DIRECTING THE INSTITUTE FOR PUBLIC POLICY TO DEVELOP A PROPOSAL
FOR ESTABLISHING A WASHINGTON STATE WOMEN'S HISTORY CENTER OR
INFORMATION NETWORK**

Prime Sponsor: Senator Fraser

- A Washington State Institute for Public Policy study is to make recommendations to the 2005 Legislature for the development of a center or an information network as a repository for the historically valuable records pertaining to women's history in Washington state.

**ESHB 2381: ENSURING THE QUALITY OF DEGREE-GRANTING INSTITUTIONS OF HIGHER
EDUCATION**

Prime Sponsor: Representative Kenney

- The Higher Education Coordinating Board (HECB) must develop information for the public regarding the substandard and potentially fraudulent practices of institutions that sell or award degrees without requiring adequate and appropriate post-secondary course work.
- Existing exemptions for higher education institutions regarding authorization to operate in Washington are declared nonpermanent.
- Clarification is made that the cost of inspecting institutions under the HECB's jurisdiction must be borne by the institution.
- The HECB is allowed to include accreditation as a requirement for higher education institutions to operate in Washington.

SHB 2382: IMPROVING ARTICULATION AND TRANSFER BETWEEN INSTITUTIONS OF HIGHER EDUCATION

Prime Sponsor: Representative Kenney

- The Higher Education Coordinating Board (HECB) must convene working groups to develop transfer associate degrees for specific academic majors and to develop a statewide system of course equivalency for public higher education institutions.
- The HECB must conduct a gap analysis of upper division capacity in the public higher education system to accommodate transfer students, and a final report is due December 10, 2006, with recommendations on how to expand capacity.

** HB 2437 is incorporated in its entirety into SHB 2382, as described below.*

- Policies adopted by public four-year institutions regarding transfer of lower-division credits must treat students transferring from community colleges the same as students transferring from public four-year institutions.

ESHB 2383: PROVIDING FOR PAYING PART-TIME FACULTY AT INSTITUTIONS OF HIGHER EDUCATION

Prime Sponsor: Representative Kenney

- Institutions of higher education are permitted to include in a collective bargaining agreement a provision to pay part-time faculty on the same paydates that are used for full-time faculty.

SHB 2437: IMPROVING TRANSFER TO FOUR YEAR INSTITUTIONS OF HIGHER EDUCATION.

Prime Sponsor: Rep. Morrell

** HB 2437 is incorporated in its entirety into SHB 2382.*

SHB 2707: REGARDING HIGHER EDUCATION BRANCH CAMPUSES

Prime Sponsor: Representative Kenney

- The primary mission of higher education branch campuses is to provide access to upper division and graduate level education but recognizing alternative models and additional secondary missions may also respond to regional needs.
- The term "branch" is no longer a part of the name of the campuses in Tacoma, Bothell, Vancouver and the Tri-cities. There is no longer a separate campus in Spokane.
- The campuses may propose legislation authorizing practice-oriented or professional doctoral programs.
- Private higher education institutions are invited to participate in the conversations about meeting the higher education needs of the communities.
- Each campus is directed to make recommendations to the Legislature by January 15, 2005, on the future evolution, model of education, and mission of the campus. Policy options are to be developed in the context of statewide goals.

SHB 2708: PROVIDING FOR CONDITIONAL SCHOLARSHIPS AND LOAN REPAYMENTS FOR PROSPECTIVE TEACHERS

Prime Sponsor: Representative Ormsby

- The Future Teacher Conditional Scholarship Program is amended to include a priority for potential teachers in math, science, technology, or special education. Other criteria include bilingual ability and willingness to teach in shortage areas.
- The Higher Education Coordinating Board manages a loan repayment option where federal student loans may be repaid in exchange for teaching service.
- An account is created in custody of the State Treasurer.

SHB 3103: REVISING PROVISIONS FOR HIGHER EDUCATION

Prime Sponsor: Representative Kenney

- The overall purpose of the Higher Education Coordinating Board (HECB) is restated and major policy functions are revised. Various statutes pertaining to HECB responsibilities and financial aid programs are reorganized and updated.
- A ten member, broad-based Advisory Council to the HECB is created.
- Private independent postsecondary institutions and public baccalaureate institutions may submit proposals to the HECB to compete for high demand enrollments.

HIGHWAYS & TRANSPORTATION

786-7300

SB 5376: DESCRIBING THE ROUTE OF SR 99

Prime Sponsor: Senator Prentice

- The portion of state route 99 between state route 518 and state route 599 is removed from the state highway system and is transferred to local authorities.

ESSB 5428: ALLOWING ALTERNATIVE MEANS OF RENEWING DRIVER'S LICENSES

Prime Sponsor: Senator Finkbeiner

(HB 1681 Representative G. Simpson)

- The Department of Licensing is authorized to renew drivers' licenses and identicards via the mail or the internet.

SB 6143: DETERMINING ELIGIBILITY FOR VETERAN'S REGULAR OR SPECIAL LICENSE PLATES

Prime Sponsor: Senator Kastama

(HB 2886 Representative Haigh)

- The definition of "veteran" that is used to determine eligibility for free disabled veteran special license plates is changed to refer to the broader definition of veteran that was adopted in 2002.

SSB 6148: AUTHORIZING SPECIAL LICENSE PLATES TO HONOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY

Prime Sponsor: Senator Haugen

(HB 2471 Representative Lovick)

- The Department of Licensing must issue a Law Enforcement Memorial special license plate.
- An applicant for a Law Enforcement Memorial license plate must pay an initial fee of \$40 and a renewal fee each year thereafter of \$30.
- After the state has been reimbursed, the fee revenue must be deposited into the law enforcement memorial account to be used to provide support and assistance to survivors and families of law enforcement officers in Washington who were killed in the line of duty and to construct and maintain a memorial on the state capitol grounds to honor fallen officers.

SSB 6325: ADJUSTING PROVISIONS OF THE SPECIAL LICENSE PLATE LAW

Prime Sponsor: Senator Haugen

- The Department of Licensing (DOL) must offer disabled parking versions of special license plates to persons who qualify for disabled parking privileges.
- The requirement that an agency have express statutory authority in order to submit an application to the Special License Plate Review Board for a special license plate is removed.

SB 6439: ENHANCING MOTORCYCLE SAFETY CURRICULUM

Prime Sponsor: Senator Horn

- The Superintendent of Public Instruction and the Driver's Instructors' Advisory Committee are required to include information on motorcycle awareness in traffic safety education courses.

SB 6614: REMOVING THE DAMAGES FLOOR FOR UNAUTHORIZED IMPOUNDS

Prime Sponsor: Senator Poulsen

- The \$50 a day minimum is removed from a court judgment for loss of use of the vehicle for an improper impound.

SSB 6676: PERMITTING TRANSFER OF LICENSE PLATES

Prime Sponsor: Senator Murray

- General issue license plates may be transferred to a new vehicle.
- The fee for transferring various types of license plates is increased to \$10.

SSB 6688: AUTHORIZING A SPECIAL "HELPING KIDS SPEAK" LICENSE PLATE

Prime Sponsor: Senator Haugen

- The Department of Licensing must issue a Help Kids Speak special license plate.
- An applicant for a Help Kids Speak license plate must pay an initial fee of \$40 and a renewal fee each year thereafter of \$30.
- After the state has been reimbursed, the fee revenue must be deposited into the Help Kids Speak account to be used to provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development

EHB 1433: DESIGNATING HIGHWAYS OF STATEWIDE SIGNIFICANCE

Prime Sponsor: Representative Cooper

(SB 6437 Senator Horn)

- Highways of Statewide Significance designations, as adopted by Transportation Commission Resolution 660, are adopted by the Legislature.

HB 1589: ALLOWING ANNUAL PERMITS FOR OVERSIZE TOWING OPERATIONS

Prime Sponsor: Representative Murray

- Two new overweight/oversize permit categories are created for tow trucks that tow oversize/overweight vehicles. The permits are valid for one year. The permit fee for Class C tow trucks is \$150 per year and the fee for Class B tow trucks is \$75 per year.

ESHB 2474: MAKING SUPPLEMENTAL TRANSPORTATION APPROPRIATIONS

Prime Sponsor: Representative Murray

(6215 SB Senator Horn)

- The 2003-05 biennial appropriations for various transportation agencies and programs are modified.

SHB 2475: FACILITATING ENFORCEMENT OF TOLL VIOLATIONS

Prime Sponsor: Representative Murray

(SB 6323 Senator Oke)

- Provisions are added in statute making it possible to issue a traffic infraction for toll evasion via photo monitoring.
- Timelines are addressed for issuing the traffic infraction and for responding to the traffic infraction.
- Provisions are made so a rental car business or a registered owner not driving their vehicle can challenge the toll evasion traffic infraction.

- Infractions for toll violations are not part of the registered owner's driving record. If the owner does not respond to the notice of infraction, the Department of Licensing must suspend the renewal of the vehicle registration.
- Photos may only be used for toll enforcement, and names and addresses of toll account holders may not be sold or distributed.

HB 2476: FACILITATING VEHICLE TOLL COLLECTION

Prime Sponsor: Representative Murray

(SB 6324 Senator Oke)

- Electronic toll collection is allowed on the Tacoma Narrows Bridge. "Electronic toll collection" and "photo monitoring system" are defined under the Public-Private Transportation Initiatives law.
- The Department of Transportation is directed to create rules for operating and managing toll collection and allow for transponder compatibility between statewide toll facilities (including ferries, public transit agencies) and interoperability between transponder vendors.
- Toll facility operators are added to the list of entities to whom the Department of Licensing may furnish lists of registered and legal owners in order to identify toll violators.

HB 2483: MODIFYING THE DISPOSITION OF TITLE FEES

Prime Sponsor: Representative Murray

(SB 6185 Senator Horn)

- Corrections are made to the disposition of title fee revenue to meet the intentions and the appropriations made in SB 6072 during the 2003 legislative session.
- The revenues will be used for: (1) retrofitting school buses with exhaust emission control devices; (2) locating a tug boat at the entrance of the Straight of Juan de Fuca whose primary mission is to arrest the drift of disabled vessels in order to prevent a spill; and (3) to provide funding to the nickel account.

SHB 2532: MODIFYING COMMERCIAL DRIVER'S LICENSE PROVISIONS

Prime Sponsor: Representative G. Simpson

(SB 6483 Senator Swecker)

- The "masking" of traffic violations from the driving record of a commercial driver's license (CDL) holder is prohibited.
- Various traffic violations and offenses that result in a disqualification of a CDL are added.
- A new school bus CDL endorsement is created.
- CDL instruction permit holders must be at least 18 years of age, have passed a general knowledge examination, and pay the appropriate application and exam fees.

SHB 2830: AUTHORIZING A FEE FOR THE REVIEW OF DRIVING RECORDS

Prime Sponsor: Representative Hudgins

(SB 6327 Senator Esser)

- The director of the Department of Licensing (DOL) is authorized to enter into a contractual agreement with an insurance company or its agent for the purpose of reviewing the driving records of existing policyholders for changes occurring to the record during a specified period of time.
- DOL must charge a fee for providing this service.

SHB 2908: STRENGTHENING ACCOUNTABILITY FOR SALVAGE VEHICLES

Prime Sponsor: Representative Mielke

- A physical examination is required for vehicles declared totaled or salvage under Washington law, and for salvage vehicles from other states that have not been rebuilt or repaired within the jurisdiction of that state.
- A Washington State Patrol Vehicle Identification Number (VIN) specialist must ensure the VIN number is genuine and that all major component parts used for the reconstruction of a salvage vehicle were obtained legally.

SHB 2910: AUTHORIZING SPECIAL LICENSE PLATES FOR FIRE FIGHTERS AND PARAMEDICS

Prime Sponsor: Representative G. Simpson

- The Department of Licensing must issue a Professional Firefighter and Paramedic special license plate.
- An applicant for a Professional Firefighter and Paramedic license plate must pay an initial fee of \$40 and a renewal fee each year thereafter of \$30.
- After the state has been reimbursed, the fee revenue must be deposited into the Washington State Council of Fire Fighters benevolent fund to be used to support charitable purposes on behalf of members of the Washington State Council of Fire Fighters.

JUDICIARY

786-7455

ESB 5083: RECOGNIZING CONCEALED WEAPON LICENSES ISSUED BY STATES THAT RECOGNIZE WASHINGTON'S CONCEALED PISTOL LICENSE

Prime Sponsor: Senator Stevens

(HB 1810 Representative Cairnes)

- Persons with valid concealed pistol licenses from states that recognize Washington licenses may carry a concealed pistol in Washington, if the licensing state does not issue licenses to persons under the age of 21 and requires mental history and fingerprint-based background checks.
- This provision only applies to license holders who are not current Washington residents.
- The Attorney General publishes a list of states whose licenses are recognized.

3SSB 5412: AUTHORIZING VOLUNTARY COLLECTION OF BIOMETRIC IDENTIFIERS FROM APPLICANTS FOR DRIVERS LICENSES AND IDENTICARDS

Prime Sponsor: Senator Brandland

- The civil liability for committing identity theft in the first or second degree is increased from \$500 to \$1,000 or actual damages, whichever is greater.
- The Department of Licensing (DOL) must implement a highly accurate biometric matching system by January 1, 2006. This system is to be used only to verify the identity of an applicant for renewal or issuance of a duplicate license or identicard.
- The DOL must allow every person applying for an original, renewal, or duplicate driver's license or identicard the option of submitting a biometric identifier. A fee of up to \$2 may be charged to add a biometric identifier to a driver's license or identicard.
- Any person who has provided biometric identifiers to DOL may discontinue participation at any time, and his or her biometric information must be destroyed by the department.
- The DOL may not disclose biometric information to the public or any governmental entity except when authorized by court order.

2ESSB 5536: RESOLVING CLAIMS RELATING TO CONDOMINIUM CONSTRUCTION

Prime Sponsor: Senator Finkbeiner

- A seven-member committee is created to study third party water penetration inspections and arbitration as an alternative to court action.
- A completely new warranty insurance program is established as an alternative to the implied warranty provisions of the Washington Condominium Act (WCA). If constructors provide for warranty insurance, the terms of the policy replace implied warranties.
- The requirements of an implied warranty are modified and the damages available are specified as the cost of repair or the change in market value of the condo if the cost of repairs is clearly disproportionate to the market value of the condo.

SSB 6105: REVISING PENALTIES FOR ANIMAL CRUELTY

Prime Sponsor: Senator McCaslin

- The juvenile sentencing category is increased for animal cruelty in the first degree from a Class C, which is current law, to a Class B offense.

- A court is permitted to order a mental health evaluation and treatment, if necessary, when an offender is entering a deferred disposition for animal cruelty in the first degree.
- The court's ability to vacate a conviction of animal cruelty in the first degree upon successful completion of the terms of deferred disposition is removed.

SB 6121: FILING A WILL UNDER SEAL BEFORE THE TESTATOR'S DEATH

Prime Sponsor: Senator Johnson

- Court clerks are expressly authorized to accept original wills under seal; any person may file a will in his or her custody with any court having proper jurisdiction.
- A will filed under seal may be withdrawn by the testator at any time, and any other person may withdraw the will with a court order.

SB 6130: GRANTING ADDITIONAL RIGHTS AND POWERS TO NONPROFIT MISCELLANEOUS AND MUTUAL CORPORATIONS

Prime Sponsor: Senator Esser

** SB 6130 is incorporated in its entirety into ESB 6188.*

SSB 6161: REQUIRING LAW ENFORCEMENT AGENCIES TO ADOPT POLICIES CONCERNING DOMESTIC VIOLENCE BY SWORN EMPLOYEES

Prime Sponsor: Senator Regala

(SHB 2392 Representative Lantz)

- By December 1, 2004, the Washington State Association of Sheriffs and Police Chiefs (WASPC), in coordination with appropriate organizations, must develop a model policy addressing the way law enforcement agencies respond to allegations of domestic violence committed by law enforcement officers. The bill sets out minimum standards to be addressed.
- By June 1, 2005, every law enforcement agency must adopt and implement the model policy or its own domestic violence policy.
- By June 30, 2006, every law enforcement officer must receive training on his or her agency's domestic violence policy; officers hired after March 1, 2006, must receive training within their first six months of employment.
- By June 1, 2005, every agency must provide a copy of its domestic violence policy to WASPC and WASPC must maintain a file with each agency's policy.
- By June 1, 2005, every agency must provide a statement asserting its compliance with the training requirements. By January 1, 2006, WASPC must provide a list of agencies that have not complied with the training requirements to the Governor and Legislature.

SB 6177: INCREASING PENALTIES FOR CRIMINAL IMPERSONATION

Prime Sponsor: Senator Eide

- The penalties for committing the crime of criminal impersonation are enhanced as follows: (1) criminal impersonation in the first degree is an unranked Class C felony; and, (2) criminal impersonation in the second degree is a gross misdemeanor.

ESB 6188: AUTHORIZING ELECTRONIC NOTICE AND OTHER COMMUNICATIONS WITHIN THE WASHINGTON NONPROFIT CORPORATION ACT

Prime Sponsor: Senator Esser

- Nonprofit corporations are authorized to transmit, via electronic transmission, filings, consents, notices, and communications between shareholders and directors.
- Members and directors must first consent to receive notification by electronic transmission and may revoke consent at any time.
 - * **SB 6130 is incorporated in its entirety into ESB 6188, as described below.**
- A cooperative organized under the Nonprofit Miscellaneous and Mutual Corporations Act may elect to avail itself of certain rights under the Cooperative Associations Act.

SSB 6189: REGULATING RECEIVERSHIPS

Prime Sponsor: Senator Johnson

- The rules generally governing receivership proceedings are consolidated into a single chapter.
- A single section is created to list all circumstances in which a receiver's appointment is permissible. The powers and duties of receivers are specified. The procedures, notice, and time lines for the appointment of receivers are specified.
- Duplicative, inconsistent and archaic statutes are repealed.

SSB 6261: MODIFYING JUROR PAYMENT PROVISIONS

Prime Sponsor: Senator B. Sheldon

- Statutory language is amended to allow federal employees to retain expense payments for jury service rather than being required to remit juror compensation to the federal government.

ESSB 6270: REVISING PROVISIONS RELATING TO ATTORNEYS' LIENS

Prime Sponsor: Senator Esser

- An attorney has a property right and lien upon a civil action and its proceeds, to the extent of the value of the services performed by the attorney in that action.
- The attorney's lien is superior to all other liens upon the judgment, subject to the rights of secured parties under the Uniform Commercial Code.
- Child support liens are exempt from the statute.

SB 6326: DEFINING PROHIBITED BUS CONDUCT

Prime Sponsor: Senator Esser

(HB 2639 Senator Cooper)

- The unlawful bus conduct offenses that exist in current law apply to persons in facilities or vehicles operated by regional transit authorities.

SB 6338: CREATING AN AFFIRMATIVE DEFENSE FROM THEFT AND POSSESSION OF STOLEN MERCHANDISE PALLETS

Prime Sponsor: Senator Johnson

- It is a sufficient defense to theft or possession of stolen property that the property was merchandise pallets that were received by a pallet recycler or repairer in the ordinary course of its business.

SB 6357: MODIFYING CRIMINAL TRESPASS LAW

Prime Sponsor: Senator Johnson

- A person who enters or remains upon improved and apparently used land that is open to the public at particular times, and is not fenced or enclosed in a manner to exclude intruders, does so with license and privilege unless notice of prohibited times of entry are posted in a conspicuous manner.

SB 6378: PROHIBITING UNAUTHORIZED RECORDING OF MOTION PICTURES

Prime Sponsor: Senator Esser

(SHB 2723 Representative Morris)

- A new crime is created. It is a gross misdemeanor to knowingly record a motion picture being shown in an exhibition facility without the consent of both the owner of the facility and the licensor of the motion picture.
- Owners and employees of exhibition facilities may not be held civilly liable for measures taken, in good faith, to detain a person reasonably believed to be recording a motion picture.

SSB 6384: IMPOSING PENALTIES AGAINST CONVICTED DOMESTIC VIOLENCE OFFENDERS TO PAY FOR DOMESTIC VIOLENCE PROGRAMS

Prime Sponsor: Senator Esser

(SHB 2397 Representative Uptegrove)

- A new penalty of up to \$100 is established for anyone convicted of a crime involving domestic violence.
- Revenues collected must be used to fund domestic violence advocacy, prevention, and prosecution programs in the city or county in which the court imposing the penalty is located. The Legislature intends this revenue to be in addition to existing sources of funding for domestic violence programming.
- Revenues collected under this section are not subject to remittance requirements or distribution to the state public safety and education account.

SSB 6389: PROHIBITING WEAPONS IN RESTRICTED ACCESS AREAS OF COMMERCIAL SERVICE AIRPORTS

Prime Sponsor: Senator Brandland

(HB 2701 Representative Lovick)

- It is a gross misdemeanor to enter the restricted areas of a commercial service airport, including the passenger screening checkpoints, while knowingly possessing or controlling a weapon.
- Restricted access areas must be clearly indicated by signs.
- The areas do not include airport drives, walkways, general parking areas, and areas of the terminal outside the screening checkpoints.

SB 6518: CHANGING THE GENERAL ELECTION BALLOT FOR THE OFFICE OF JUDGE OF THE DISTRICT COURT

Prime Sponsor: Senator McCaslin

- If, during the primary election for the office of Judge of the District Court, a candidate receives a majority of the votes cast, only the name of that candidate is printed on the general election ballot.

SSB 6527: INCREASING THE STATUTORY RATE FOR ATTORNEY FEES

Prime Sponsor: Senator Johnson

- For cases in district court, superior court, the Court of Appeals or the Supreme Court, the statutory attorney's fee is raised from \$125 to \$200.

- If a district court judgment is more than \$50, but less than \$200, the statutory attorney's fee remains at \$125.

SSB 6600: REVISING CONSTRUCTION LIABILITY PROVISIONS

Prime Sponsor: Senator Brandland

(HB 2998 Representative McMahan)

- There is a six-year statute of limitations for all claims or causes of action against specified persons, arising from the design, planning, engineering, construction, alteration or repair of any improvement upon real property.
- This applies only to persons having performed work for which the persons must be registered or licensed as architects, contractors, engineers, surveyors, landscape architects, or electricians.

SSB 6601: LIMITING OBESITY LAWSUITS

Prime Sponsor: Senator Brandland

- Manufacturers, packers, distributors, carriers, holders, sellers, marketers, or advertisers of food or nonalcoholic beverages are not subject to liability actions by a private party arising out of weight gain, obesity, or any associated health condition caused by or the result of long-term purchase or consumption of food.

HB 1572: INCREASING SMALL CLAIMS JUDGMENTS UPON FAILURE TO PAY

Prime Sponsor: Representative Kirby

(SB 5762 Senator Sheahan)

- A party that has prevailed in small claims court may recover additional costs, including attorneys' fees, incurred by enforcing an outstanding judgment.

HB 1580: REVISING PROVISIONS OF THE PERSONALITY RIGHTS ACT

Prime Sponsor: Representative Lantz

- The definition of "definable group" is removed from the Personality Rights Act.
- A parent of a minor child may exercise the minor child's individual or personal rights granted under the act.
- The act does not apply to the distribution, promotion, transfer, or license of a photograph or other material containing a person's name, voice, signature, photograph, or likeness to a third party for use in a manner that is lawful, and to the third party's further distribution, promotion, transfer, or license for a use that is lawful.

SHB 1867: ESTABLISHING REPLEVIN PROCEDURES

Prime Sponsor: Representative Lantz

(SB 5707 Senator Benton)

- In a replevin proceeding, the court may waive the bond requirement when the properly served debtor fails to attend the hearing or does not object to entry of the order.
- If the plaintiff's bond is waived, the court is directed to establish the amount of the bond that would have been required, and that amount is used to determine the redelivery bond.
- A plaintiff creditor may obtain an endorsement on the Order Awarding Possession, and the court is authorized to hold a defendant in contempt if the person does not turn over possession of the property at issue.

SHB 2313: REGULATING BAIL BOND RECOVERY AGENTS

Prime Sponsor: Representative Carrell

- Beginning January 1, 2006, no one may perform the function of a recovery agent unless the person is licensed.
- Recovery agents must operate under both the law and the specific authority given them in their contract with a bail bond agency.
- Bail bond recovery agents must notify local law enforcement within ten business days whenever they discharge a firearm in the course of their work.
- Before a planned forced entry, the recovery agent must notify an appropriate local law enforcement agency, provide specific information and must wear identifying garments.

HB 2473: RESTRICTING POSSESSION OF WEAPONS IN COURTHOUSE BUILDINGS

Prime Sponsor: Representative Clibborn

- A law enforcement officer is prohibited from possessing a weapon in a court facility if the officer is present at the facility as a party to an action involving harassment or domestic violence.

HB 2485: REVISING THE RATE OF INTEREST ON CERTAIN TORT JUDGMENTS

Prime Sponsor: Representative Lantz

- The interest rate on tort judgments is determined by adding two points to the 26-week T-bill rate. Interest on criminal judgments remains at the current level.

HB 2577: PROVIDING FOR COMMITTEES OF MEMBERS

Prime Sponsor: Representative Linville

- A corporation may have one or more committees of members if the articles of incorporation or bylaws provide for them.
- Meetings of any committee of members may be conducted telephonically.
- An action by a committee of members may be taken without a meeting if: (1) allowed by the articles of incorporation and bylaws, and (2) consented to by a majority of the committee of members entitled to vote.

HB 2583: AUTHORIZING ISSUANCE OF INFRACTIONS AND CITATIONS BY ELECTRONIC DEVICE

Prime Sponsor: Representative Lovick

(SB 6495 Senator Carlson)

- Civil infractions and traffic citations may be issued by an electronic device capable of producing a printed copy of the infraction or citation.
- It is unlawful for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law.

SHB 2660: REVISING PROVISIONS INVOLVING ALCOHOL-RELATED OFFENSES

Prime Sponsor: Representative G. Simpson

- Drivers who have lost their license because they refused a blood or breath alcohol concentration (BAC) test or because they took the test and failed it, may apply to the Department of Licensing (DOL) for a

temporary restricted license (TRL). DOL must determine any minimum amount of suspension or revocation time required in order to remain eligible for federal incentive grants.

- The driver's license of a person convicted of driving under the influence of alcohol or any drug who refused to take the BAC test will be revoked for two years for a first offense and three years for a second offense. Administrative and criminal suspensions or revocations arising out of the same incident run concurrently.
- People who are providing continuing care to a dependent may apply for a temporary restricted or an occupational license.
- An applicant for a TRL who has committed an alcohol-related offense must show proof of installation of an ignition interlock device. A court will order installation of an ignition interlock as a condition of granting a deferred prosecution petition on any alcohol-dependency based case. The interlock requirement is removed for vehicles owned by a person's employer when the person is required to drive the employer's vehicle as part of his or her employment.
- The application fee for a TRL and an occupational license is \$100.

SHB 2904: MODIFYING ESTATE ADJUDICATION PROVISIONS

Prime Sponsor: Representative Lovick

(SSB 6531 Senator Johnson)

- When no personal representative has been appointed to oversee a deceased person's estate, the person obtaining the adjudication of testacy, intestacy, or heirship has 30 days to provide notice of the adjudication to the Washington Department of Social and Health Services' (DSHS) Office of Financial Recovery.
- This bill allows DSHS, Office of Financial Recovery, to receive notice of estate adjudications and recover state funds paid for long-term care, as required under federal and state law.

SHB 3055: PROVIDING UNIFORMITY FOR ADMISSIBILITY OF ALCOHOL TESTS

Prime Sponsor: Representative Holmquist

- Blood or breath alcohol concentration (BAC) tests are admissible in a judicial or administrative proceeding if the test was performed by an instrument approved by the state toxicologist and evidence exists that other procedural steps have been followed.
- Defense challenges to the reliability or accuracy of a BAC test may not be used to prevent the introduction of the BAC evidence once the prosecution has made a prima facie case. Defense challenges to BAC test results may be considered by the trier of fact in determining the weight to be given to such results.
- The category of people who may withdraw blood samples is expanded.

ESHB 3101: RESTRICTING A TRUSTEE'S SALE, FORECLOSURE, OR SEIZURE OF PROPERTY BELONGING TO A SERVICE MEMBER ON DEPLOYMENT

Prime Sponsor: Representative Darneille

** ESHB 3101 is incorporated in its entirety into SSB 6302.*

LAND USE & PLANNING

786-7409

SB 6237: PROVIDING NONAGRICULTURAL COMMERCIAL AND RETAIL USES THAT SUPPORT AND SUSTAIN AGRICULTURAL OPERATIONS ON DESIGNATED AGRICULTURAL LANDS OF LONG-TERM SIGNIFICANCE

Prime Sponsor: Senator Hewitt

(HB 2563 Representative Upthegrove)

- Agricultural zoning can allow accessory uses that support, promote, or sustain agricultural operations and production, including compatible commercial and retail uses that involve agriculture or agricultural products or provide supplemental farm income.

SSB 6265: IMPROVING THE EFFICIENCY OF THE PERMITTING PROCESS WHEN MULTIPLE AGENCIES ARE INVOLVED

Prime Sponsor: Senator Swecker

- State permitting agencies are authorized to execute binding agreements with permit applicants and each other that set a schedule for making permit decisions.
- The 45-day time limit in the hydraulic code can be extended for this purpose.

SSB 6367: PROTECTING THE INTEGRITY OF NATIONAL HISTORICAL RESERVES IN THE URBAN GROWTH AREA PLANNING PROCESS

Prime Sponsor: Senator Haugen

- The existing requirement that cities and counties must include areas and densities sufficient to permit the urban growth projected for the succeeding 20-year period does not apply to those urban growth areas contained totally within a national historical reserve.
- When an urban growth area is contained totally within a national historical reserve, a city may restrict densities, intensities, and forms of urban growth as it determines necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve.

ESSB 6401: PROTECTING MILITARY INSTALLATIONS FROM ENCROACHMENT OF INCOMPATIBLE LAND USES

Prime Sponsor: Senator Rasmussen

- Legislative findings recognize the importance of the United States military as a vital component of the Washington State economy, and it is identified as a priority of the state to protect the land surrounding our military installations from incompatible development.
- Comprehensive plans, development regulations, and amendments to either should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements.
- A consultation procedure is established whereby counties and cities must notify base commanders during the process of adopting or amending comprehensive plans or development regulations that will affect lands adjacent to the installations.

SB 6476: DESIGNATING MANUFACTURED HOUSING COMMUNITIES AS NONCONFORMING USES

Prime Sponsor: Senator Mulliken

- Elimination of existing manufactured housing communities on the basis of their status as a nonconforming use is prohibited.

SB 6488: ORDERING A STUDY OF THE DESIGNATION OF AGRICULTURAL LANDS IN FOUR COUNTIES

Prime Sponsor: Senator Mulliken

- By December 1, 2004, the Department of Community, Trade, and Economic Development will prepare a report on designation of agricultural resource land in King, Lewis, Chelan, and Yakima Counties.
- The report will cover how much land is designated, how much is in production, changes in these amounts since 1990, comparison with other uses, effects on tax revenue, threats to the agriculture land base, and measures to better maintain the base and the agriculture industry.

SSB 6534: DESIGNATING PROCESSES AND SITING OF INDUSTRIAL LAND BANKS

Prime Sponsor: Senator Hargrove

(SSB 2960 Representative Romero)

- The requirements for including master planned locations within industrial land banks and for siting specific development projects are separated so that designation of master planned locations may occur during the comprehensive planning process before a specific development project has been proposed.
- Some of the current criteria for designating a master planned location within an industrial land bank may be delayed until the process for siting specific development projects within a land bank occurs.
- Designating master planned locations within an industrial land bank is considered an adopted amendment to a comprehensive plan, and approval of a specific development project does not require any further amendment to a comprehensive plan.

SHB 2452: REGULATING SITES FOR CONSTRUCTION AND OPERATION OF UNSTAFFED PUBLIC OR PRIVATE ELECTRIC UTILITY FACILITIES

Prime Sponsor: Representative Morris

(ESSB 6140 Senator Morton)

- A new exception to the state subdivision law is established for certain property divisions involving small, unstaffed electric utility facilities such as substations.
- The exception applies to divisions used to create sites of less than three acres, so long as a survey of the land is properly recorded, and only applies to facilities needed to serve a utility's existing or new customers.
- Use of the land remains subject to local zoning and permitting requirements.

SHB 2781: CHANGING PROVISIONS RELATING TO EXPEDITED STATE AGENCY REVIEW OF DEVELOPMENT REGULATIONS

Prime Sponsor: Representative Uptegrove

- Proposed changes to development regulations by jurisdictions that plan under the Growth Management Act (GMA) can receive expedited review by the Department of Community, Trade, and Economic

Development and be adopted immediately thereafter, if timely comments regarding GMA compliance or other matters of state interest can be provided.

HB 2811: MODIFYING LOCAL GOVERNMENT PERMIT PROCESSING PROVISIONS

Prime Sponsor: Representative Jarrett

- Existing requirements for timely and predictable procedures for processing permit applications by local governments are clarified.
- For the "buildable lands" jurisdictions, performance reporting requirements are reinstated and changed to an annual basis. A report on the projected costs of this reporting with recommendations for state funding must be provided to the Governor and the Legislature by January 1, 2005.

ESHB 2905: MODIFYING PROVISIONS FOR TYPE 1 LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT

Prime Sponsor: Representative Hatfield

(SSB 6238 Senator T. Sheldon)

- Any development or redevelopment within one category of existing "limited areas of more intensive rural development" (LAMIRDs) must be principally designed to serve the existing and projected rural population.
- Building size, scale, use, or intensity of the LAMIRD development or redevelopment must be consistent with the character of the existing areas.
- Development or redevelopment may include changes in use from vacant land or a previously existing use if the new development conforms to certain requirements.

NATURAL RESOURCES, ENERGY & WATER

786-7462

SSB 5590: DETERMINING THE APPEALS PERIOD FOR CERTAIN ENVIRONMENTAL APPEALS

Prime Sponsor: Senator Morton

- Every appeal to or from the Pollution Control Hearings Board must be filed within 30 days of the date that notice is received.

E2SSB 5957: ESTABLISHING A SYSTEM OF STANDARDS AND PROCEDURES CONCERNING WATER QUALITY DATA

Prime Sponsor: Senator Hargrove (HB 2207 Representative Hatfield)

- Credible water quality data must be used for listing waters whose beneficial uses are impaired by pollutants, developing total maximum daily loads for impaired waters, or determining support of beneficial uses. Requirements for protocols and quality control procedures are established.
- The Department of Ecology is required to respond to questions regarding its use of data. It is also required to adopt policy regarding qualifications for collecting data, determination of credibility, and explanation of methodology. Reports to the Legislature are due on December 31, 2005 and 2006.
- Knowingly falsifying data is a gross misdemeanor.

ESSB 6125: PROVIDING FOR ALTERNATE MEMBERS OF A WATER CONSERVANCY BOARD

Prime Sponsor: Senator Morton

- County legislative authorities are authorized to appoint up to two alternates to fill in for recused or absent full-time water conservancy board commissioners. The conservancy board is required to notify interested applicants and participants if an alternate will be serving as a commissioner.
- Before serving and voting as a commissioner an alternate must meet training, conflict of interest and other requirements applicable to full-time commissioners, and must fully review the record of an application under review.
- Alternates serving as commissioners on a board count toward a quorum, though a majority vote of a board must include at least one member appointed as a full-time commissioner.

2SSB 6144: DEVELOPING A STATEWIDE PLAN TO ADDRESS FOREST HEALTH

Prime Sponsor: Senator Morton

(HB 3125 Representative McMorris)

- The Commissioner of Public Lands is designated as the state's forest health lead for working with the federal government, state and local governments and private landowners.
- A stakeholder work group is created to study forest health issues and assist the Land Commissioner. The group will report to the Legislature in December 2004.
- The Department of Natural Resources is allowed to use its contract harvesting authority to develop forest health related treatments.

SSB 6146: ENCOURAGING RENEWABLE ENERGY AND ENERGY EFFICIENCY BUSINESSES IN WASHINGTON

Prime Sponsor: Senator Fraser

- The Washington Technology Center (WTC) is directed to use its existing Northwest Energy Technology Collaborative Project (Collaborative) to provide a forum for public and private collaborative initiatives to promote the renewable energy and energy efficiency sectors in the state and region.
- The WTC's responsibilities are amended to include using the Collaborative to develop and implement a strategic plan for public and private sector collaboration in renewable energy and energy efficiency business development. A process for developing the strategic plan, addressing necessary elements of the plan, and reporting back to the Governor and the Legislature are specified.

SB 6202: EXCLUDING LIQUEFIABLE GASES FROM THE PETROLEUM PRODUCTS TAX

Prime Sponsor: Senator Honeyford

** SB 6202 is incorporated in its entirety into SSB 6286.*

SSB 6216: DEFINING TIMBER LAND TO INCLUDE CERTAIN INCIDENTAL USES

Prime Sponsor: Senator Rasmussen

(HB 2684 Representative Linville)

- The open space land definition of "timber land" is modified to include land used for incidental purposes if they are compatible with the growing and harvesting of timber.
- No more than ten percent of the forest land may be used for the incidental purpose.
- There is no effect on land use authority or on zoning.

SSB 6242: ESTABLISHING A STATEWIDE STRATEGY FOR COORDINATED ACQUISITION AND DISPOSAL OF RECREATIONAL AND HABITAT LANDS

Prime Sponsor: Senator Parlette

- The Interagency Committee for Outdoor Recreation is directed to compile an inventory of land transfers by state agencies since 1980 that involve recreational and habitat lands and to recommend a statewide strategy for future transfers. A report to the Legislature and the Governor is due June 30, 2005.
- The inventory will cover transfers of both ownership and less-than-ownership interests that are either funded by state agencies, traded, or gifted; sources of funding; principal uses of the lands; the agencies or local governments involved; and the costs and revenues. Additional information that local governments elect to provide regarding any other transfers that similarly result in tax exempt status will also be included.
- The statewide strategy will address policies and priorities, determination of need, coordination among agencies, compensation of local governments for loss of tax revenue, and "no net gain" in counties with large amounts of public land.

SB 6269: CONCERNING THE RELOCATION OF HARBOR LINES

Prime Sponsor: Senator Hale

(HB 2525 Representative Linville)

- The Board of Natural Resources, sitting as the Harbor Line Commission, has the authority to hold hearings and gather information concerning the designation of harbor areas which are primarily devoted to commerce.

- The harbor areas of Blaine, Edmonds, Ilwaco, Pasco, and Kennewick are added to the areas for which the Legislature has granted harbor line setting authority to the Harbor Lines Commission.

SSB 6286: MODIFYING PROVISIONS OF THE HEATING OIL POLLUTION LIABILITY PROTECTION ACT

Prime Sponsor: Senator Morton

- The pollution liability insurance fee for heating oil is increased to .012 cents per gallon, and recommendations for user fees will be developed, if necessary to supplement pollution liability insurance funding. An advisory committee representing the commercial petroleum industry, the home heating oil industry, and covered homeowners is created to advise the Pollution Liability Insurance agency regarding operation of the heating oil program, fees, and pollution prevention.
 - * *SB 6202 is incorporated in its entirety into SSB 6286, as described below.*
- Liquefiable gases, such as propane, are excluded from the petroleum products tax that funds the pollution liability insurance program.

ESSB 6415: CONCERNING THE CONDITIONING OF INDUSTRIAL AND CONSTRUCTION STORM WATER GENERAL DISCHARGE PERMITS

Prime Sponsor: Senator Morton

(HB 2731 Representative Eickmeyer)

- Permittees are given a presumption of compliance if they meet permit conditions and implement best management practices as specified. The presumption is removed if site specific violations are demonstrated.
- A preference for narrative discharge limits is established and conditioned. Numeric discharge limits are required in specified situations. For existing discharges to impaired waters, the Department of Ecology must report to the Legislature (by 2008) specifying how permit modifications will be implemented to require compliance with numeric limits.
- Requirements are established relating to adaptive management, compliance inspections, sampling, monitoring, reporting, remedial actions, mixing zones, and permit termination. Permit fees are authorized, and reports to the Legislature on fees and monitoring are required.
- The act expires January 1, 2015.

SSB 6575: CONCERNING USE CLASSIFICATIONS FOR IRRIGATION DISTRICT CONVEYANCE AND DRAINAGE FACILITIES

Prime Sponsor: Senator Honeyford

(HB 2982 Representative Schoesler)

- The Department of Ecology (DOE) currently designates "uses" (e.g., swimming, fishing, agricultural, etc.) for each water body in the state and adopts standards designed to protect those uses. The state may under certain circumstances remove or modify a water body's designated use.
- When requested, and if resources allow, DOE will conduct a use attainability analysis of water bodies located within the boundaries of the federal reclamation project. A use attainability analysis is a scientific assessment of the factors affecting the ability to meet the water quality standards.
- Once the use attainability analysis has been completed, and if it shows that the designated uses of the water should be modified, DOE must undertake rulemaking to remove or modify the water body's designated use.

SSB 6581: FUNDING FOREST FIRE PROTECTION

Prime Sponsor: Senator Hargrove

(HB 3109 Representative Linville)

- The Department of Natural Resources (DNR) currently provides fire protection for forest landowners who are required, but unable, to provide their own fire protection and imposes an assessment to cover these costs.
- Property owners with six or more parcels of forest land located within a single county may apply for a single assessment in 2004 and thereafter. Owners of fewer than six parcels will no longer be able to seek a single assessment.

SSB 6641: REDUCING THE RISK OF OIL SPILLS AND SPILL DAMAGE

Prime Sponsor: Senator B. Sheldon

(SHB 3020 and 2SHB 3112 Representative Cooper)

- The Department of Ecology's (DOE) existing oil spill program must now adopt a zero spills strategy to prevent oil from entering marine waters. The DOE's statewide strategy must also include a process for notifying tribes of any oil spill and seek to protect shellfish beds in case of a spill.
- The DOE must adopt rules for directing when vessels that are refueling or transferring petroleum products should be boomed. Alternative oil spill prevention methods such as automatic shutoff devices and alarms, extra personnel or additional containment equipment may be required.
- The DOE must report on current fueling practices and issue findings and recommendations by December 15, 2004.
- Any state agency conducting ship refueling or bunkering of more than one million gallons of oil must develop a facility oil spill prevention plan and a contingency plan. A null and void clause is added to the state agency provision, requiring it to be referenced in the omnibus transportation appropriations act in order to become law.

SSCR 8418: CREATING A JOINT SELECT LEGISLATIVE TASK FORCE TO EVALUATE PERMITTING PROCESSES

Prime Sponsor: Senator Berkey

- A joint select legislative task force is established to make recommendations regarding permitting processes by January 1, 2006, after evaluating local development regulations of selected jurisdictions among the "buildable lands" counties and their cities over 50,000.
- The task force is composed of the chairs and ranking minority members of the Senate Committee on Land Use and Planning and the House Local Government Committee. The Governor will be invited to participate and form a "Five Corners Task Force."
- An advisory committee is also established to assist the task force and is composed of the Department of Community, Trade, and Economic Development, the Department of Ecology, the Office of Regulatory Assistance, a county, a city, the business community, the environmental community, agriculture, labor, the property rights community, the construction industry, ports, and federally recognized Indian tribes.

SHB 2307: CONCERNING APPOINTMENT TO A WATER CONSERVANCY BOARD

Prime Sponsor: Representative Schoesler

- Receiving water from a municipal water supplier does not make a person ineligible for appointment to the non-water right holder position on a water conservancy board.

- A person is also eligible for appointment to the non-water right holder position on a water conservancy board if the person's only water right is from an exempt residential well in a county with a population no greater than 150,000.

SHB 2308: REQUIRING THE DEPARTMENT OF ECOLOGY TO DEVELOP SPECIFIC CRITERIA FOR THE TYPES OF SOLID WASTES THAT ARE ALLOWED TO BE RECEIVED BY INERT WASTE LANDFILLS

Prime Sponsor: Representative Schoesler

- The Department of Ecology is required to develop criteria for determining which solid wastes are suitable for inert waste landfills, specifically including those located in counties having fewer than 45,000 residents and less than 25 inches of rainfall annually.
- Assistance with transition to limited purpose landfills must also be provided, if necessary.

EHB 2318: CONCERNING THE VERIFICATION OF A LANDOWNER AS A SMALL FOREST LANDOWNER

Prime Sponsor: Representative Orcutt

- The Department of Natural Resources (DNR) may not review timber harvest records on file with the Department of Revenue (DOR) for tax purposes.
- DOR will confirm or deny the harvest level information that DNR needs, and may supply aggregate or general information to the DNR.

SHB 2321: CLARIFYING THE DEFINITIONS OF CERTAIN NATURAL RESOURCES TERMS

Prime Sponsor: Representative Linville

(SB 6124 Senator Morton)

- The terms "public land" and "state land" are clarified in all of the Department of Natural Resources management statutes.
- The definition clarifications will have no effect on management or on public rights.

ESHB 2488: DEVELOPING AN ELECTRONIC PRODUCT MANAGEMENT PROGRAM

Prime Sponsor: Representative Cooper

- The Department of Ecology is directed to conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program. Reports are due December 15, 2004 and 2005.

SHB 2504: CONCERNING WATER POLICY IN REGIONS WITH REGULATED REDUCTIONS IN AQUIFER LEVELS

Prime Sponsor: Representative Schoesler

(SSB 6190 Senator Mulliken)

- The Department of Ecology (DOE) may enter into agreements with the federal government and Columbia Basin Project (Project) irrigation districts to allow delivery of conserved Project water to replace deep well irrigation withdrawals from depleted aquifers within Project boundaries.
- The unused portion of the irrigator's right to withdraw ground water is not subject to relinquishment, as indicated in a superseding "reserve" right permit or certificate issued by DOE.

- The acreage irrigated with delivered Project water and deep well ground water must not exceed quantity or acreage limits described in the ground water permit or certificate.

HB 2703: INCREASING THE MINIMUM FOR BID REQUIREMENTS FOR MATERIALS OR WORK FOR JOINT OPERATING AGENCIES

Prime Sponsor: Representative Armstrong

- A joint operating agency (JOA) is two or more cities or public utility districts that form a JOA for the purpose of owning and operating electric generation or transmission systems.
- The minimum dollar value of a purchase by a JOA of materials or equipment that requires a sealed bid process is changed from \$5,000 to \$10,000, exclusive of sales tax.

2SHB 3112: CONCERNING MARINE FUEL FACILITIES

Prime Sponsor: Representative Cooper

** 2SHB 3112 is incorporated in its entirety into SSB 6641.*

SHB 3141: ESTABLISHING A POLICY TO MITIGATE CARBON DIOXIDE EMISSIONS

Prime Sponsor: Representative Morris

- Certain fossil fueled thermal power plants with a generating capacity of 25 megawatts or more must provide mitigation for 20 percent of the carbon dioxide (CO₂) emissions produced by the plant over a period of 30 years.
- A CO₂ mitigation plan must be included as part of the certification agreement or order approving the plant and may allow any combination of the following: (1) payments to a third party to provide mitigation; (2) direct purchase of permanent carbon credits; and (3) direct investment in applicant-controlled CO₂ mitigation projects, including cogeneration.
- The mitigation projects may include such things as energy efficiency, renewable resources, clean and efficient transportation measures, demand side management, carbon sequestration, cogeneration, and carbon credits.
- The Energy Facility Site Evaluation Council, the Department of Ecology, and local air authorities must adopt rules and may assess fees to implement the new mitigation requirement.

HJM 4007: REQUESTING THE ISSUANCE OF AN AMERICAN COALMINERS STAMP

Prime Sponsor: Representative Hinkle

- The Legislature requests that the United States Postal Service create a postage stamp to commemorate American coal miners.

PARKS, FISH & WILDLIFE

786-7419

SSB 6118: CREATING A COUGAR CONTROL PILOT PROGRAM

Prime Sponsor: Senator Morton

- A three-year county and Fish and Wildlife Commission cougar control program is established to protect life and property.

SSB 6329: EXTENDING THE DATE FOR IMPLEMENTATION OF BALLAST WATER DISCHARGE REQUIREMENTS

Prime Sponsor: Senator Oke

(HB 2719 Representative Cooper)

- The date for the mandatory treatment or exchange of ballast water is changed from July 1, 2004 to July 1, 2007.
- The ballast water work group is extended and will report on technical issues and legislative options in 2006.
- Vessel owners, masters, and operators must submit ballast water plans by July 1, 2006.

SB 6372: CREATING A STATE PARKS CENTENNIAL COMMITTEE

Prime Sponsor: Senator Oke

(HB 2696 Representative D. Simpson)

- The Washington State Parks Centennial Advisory Committee is created to develop a proposal to implement the State Parks Centennial 2013 plan.
- The Committee includes representatives of the Legislature, Governor, State Parks Commission, and the public.

SSB 6560: CONCERNING ANIMAL CRUELTY

Prime Sponsor: Senator Oke

- A separate violation of the animal cruelty code known as the "unlawful use of a hook" is created.
- The unlawful use of a hook with the intent to pierce the flesh or mouth of a bird or mammal is a gross misdemeanor.

SSB 6682: ALLOWING FOR REGIONAL PROGRAMS TO PROVIDE FOR THE RECOVERY OF FISH RUNS

Prime Sponsor: Senator Sheahan

(HB 3107 Representative Cox)

** Provisions of SSB 6682 are incorporated into ESHB 2573, Section 916.*

SHB 2431: MODIFYING DUNGENESS CRAB MANAGEMENT PROVISIONS

Prime Sponsor: Representative Upthegrove

- A person must purchase a \$3 endorsement for the catch record card in order to fish for Dungeness crab in Puget Sound.
- Revenue from the endorsement must be used by the Department of Fish and Wildlife for the monitoring and management of the Dungeness crab recreational fishery.

SHB 2489: CONCERNING NONHIGHWAY AND OFF-ROAD VEHICLES

Prime Sponsor: Representative Cooper

(SSB 6234 Senator Oke)

- Agencies must consult with the nonhighway and off-road vehicle (ORV) advisory committee on the use of nonhighway and off-road vehicle account (NOVA) funds.
- A new category of user is added to the grant program. Nonhighway road recreational users are people who use backroads for activities such as fishing, camping, and sightseeing.
- NOVA grants are divided evenly among ORV, nonmotorized, and nonhighway road recreational facilities.

HB 2454: ALLOWING THE DEPARTMENT OF NATURAL RESOURCES TO ACCEPT VOLUNTARY CONTRIBUTIONS

Prime Sponsor: Representative Buck

- The Department of Natural Resources may solicit and receive voluntary contributions which may be spent to maintain public recreation facilities.
- Voluntary contributions are not considered a fee for use of public lands or facilities.

SHB 2621: CONCERNING PERSONAL USE SHELLFISH LICENSES

Prime Sponsor: Representative Blake

(SSB 6282 Senator Doumit)

- Annual and three-day razor clam licenses are created for the noncommercial harvest of razor clams.
- A surcharge is assessed on each license for biotoxin testing and monitoring.

ESHB 2650: RECOGNIZING IMPORTANT BIRD AREAS

Prime Sponsor: Representative Linville

(SSB 6342 Senator Oke)

- The Natural Heritage Program at the Department of Natural Resources may recognize important bird areas and include important bird areas in the program's data bank.

SHB 2919: ADJUSTING ORV FEES

Prime Sponsor: Representative Condotta

- The price of an annual off-road vehicle use permit or a renewal is increased from \$5 to \$18.
- Temporary off-road vehicle use permit fees are increased from \$2 to \$7.

TECHNOLOGY & COMMUNICATIONS

786-7456

SB 6091: ENSURING DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES

Prime Sponsor: Senator Esser

- Wireless telephone service is declared a critical part of the state's infrastructure, and state highway rights of way should be available to deploy wireless facilities if it is consistent with highway safety.

SB 6259: EXTENDING THE RESTRICTION ON LOCAL GOVERNMENT TAXATION OF INTERNET SERVICES

Prime Sponsor: Senator Schmidt

(HB 2560 Representative Wallace)

- The prohibition on a city or town imposing any new taxes or fees on Internet service providers is extended to July 1, 2006.

ESB 6598: REGULATING THE PROVISION OF WHOLESALE TELECOMMUNICATIONS SERVICES BY PUBLIC UTILITY DISTRICTS

Prime Sponsor: Senator Esser

- Public Utility Districts (PUDs) providing wholesale telecommunication services must separately account for any revenues and expenditures for the services according to standards established by the State Auditor.

SHB 2055: MODIFYING THE TAXATION OF TELEPHONE SERVICES

Prime Sponsor: Representative Morris

(SSB 5948 Senator Honeyford)

- Telephone services that are not taxable continue to be nontaxable when bundled with taxable services if the provider can identify that portion of the charge attributable to the nontaxable services.

ESHB 2771: PROHIBITING CYBERSTALKING

Prime Sponsor: Representative Sommers

(SB 6432 Senator Kohl-Welles)

- Electronic communications via the internet to harass, intimidate, torment, or embarrass other persons are prohibited.

WAYS & MEANS

786-7715

**SB 5034: PROVIDING PROPERTY TAX RELIEF FOR SENIOR CITIZENS AND PERSONS
RETIRED BECAUSE OF PHYSICAL DISABILITY**

Prime Sponsor: Senator Zarelli

(HB 2435 Representative Morrell)

- The three income thresholds in the senior citizens property tax relief and disabled persons property tax relief program are increased from \$30,000 to \$35,000; \$24,000 to \$30,000; and \$18,000 to \$25,000.
- The income threshold for the property tax deferral program is increased from \$34,000 to \$40,000.
- The definition of disability is tied to the definition used in the Social Security law.
- Persons may reside in an adult family home or a boarding home that provides specialized care without losing property tax relief.
- Boarding home or adult family home costs and medicare insurance premiums may be deducted from income in determining eligibility.

**SB 6141: CLARIFYING THE PROPERTY TAXATION OF VEHICLES CARRYING EXEMPT
LICENSES**

Prime Sponsor: Senator Winsley

(HB 2547 Representative D. Simpson)

- Vehicles that are exempt from paying license fees are exempt from property taxation.

SSB 6240: MODIFYING TAX INCENTIVE PROVISIONS FOR RURAL COUNTIES

Prime Sponsor: Senator T. Sheldon

(ESHB 2689 Representative Eickmeyer)

- The sales and use tax deferral program for persons engaged in manufacturing, research and development, or computer service businesses in rural counties is extended from July 1, 2004, to July 1, 2010.
- Business and occupation tax credits for computer software jobs and for providing information technology help desk services to third parties in rural counties are authorized until January 1, 2011, to replace the credits that expired December 31, 2003.
- The eligibility requirements for incentives for businesses in rural areas are expanded to include counties that are less than 225 square miles in area.
- Recipients of the sales and use tax deferral must respond to a survey by the Department of Revenue concerning the tax savings realized, which may be publicly disclosed, as well as employment and wages.
- The Department is required to study the sales and use tax deferral program and report back to the Legislature by December 1, 2009.

**SB 6249: ESTABLISHING AN ASSET SMOOTHING CORRIDOR FOR ACTUARIAL
VALUATIONS USED IN THE FUNDING OF THE STATE RETIREMENT SYSTEMS**

Prime Sponsor: Senator Fraser

(HB 2541 Representative Conway)

- A new requirement is established that the actuarial valuation of plan assets in the state retirement systems may not exceed 130 percent or fall below 70 percent of the underlying market value of assets.

SB 6254: PROVIDING DEATH BENEFITS FOR MEMBERS OF THE WASHINGTON STATE PATROL RETIREMENT SYSTEM PLAN 2

Prime Sponsor: Senator Regala

(HB 2534 Representative Fromhold)

- The pension allowance payable to survivors of members of the Washington State Patrol Retirement System Plan 2 (WSPRS 2) who are killed in the line of duty after at least ten years of service is exempted from the early retirement reduction.

SB 6448: TRANSFERRING RESPONSIBILITY FOR COLLECTING CERTAIN TELEPHONE PROGRAM EXCISE TAXES FROM THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO THE DEPARTMENT OF REVENUE

Prime Sponsor: Senator Zarelli

(HB 2512 Representative Hunter)

- The Department of Revenue will calculate and collect the telecommunications relay service and telephone assistance excise taxes, previously calculated by the Utilities and Transportation Commission and collected by the Department of Social and Health Services.

SB 6490: EXEMPTING FUEL CELLS FROM SALES AND USE TAXES

Prime Sponsor: Senator Zarelli

(HB 2499 Representative Morris)

- Correcting an error from earlier legislation, machinery and equipment used directly to generate at least 200 watts of electricity using fuel cells are exempt from the use tax.

SB 6515: CORRECTING ERRORS IN AND OMISSIONS FROM CHAPTER 168, LAWS OF 2003, WHICH IMPLEMENTED PORTIONS OF THE STREAMLINED SALES AND USE TAX AGREEMENT

Prime Sponsor: Senator Zarelli

(HB 2501 Representative Hunter)

- Sales and use tax exemptions for the following are restored, after erroneously being repealed in the 2003 session: prosthetics, food prescribed by naturopaths, insulin, osmotic items, nebulizers, kidney dialysis machines, bakery items sold in a heated stated, and food sold by manufacturers at retail.
- Additional statutes are corrected regarding bad debts, sourcing of telephone business retail sales, and vending machines.

SHB 1322: EXEMPTING FROM TAXATION CERTAIN PROPERTY BELONGING TO ANY FEDERALLY RECOGNIZED INDIAN TRIBE LOCATED IN THE STATE.

Prime Sponsor: Representative G. Simpson

- Property that is owned exclusively by a federally recognized Indian tribe and used exclusively for essential tribal government services is exempt from the property tax.
- Essential services include tribal administration, public facilities, fire, police, public health, education, sewer, water, environmental and land use, transportation, and utility services but do not include economic development services.

SHB 1328: MODIFYING THE TAX TREATMENT OF BOARDING HOMES

Prime Sponsor: Representative Fromhold

(SB 5580 Senator Winsley)

- The business and occupation tax rate for licensed boarding homes is reduced from 1.5 percent to 0.275 percent.

- A deduction is provided for licensed boarding homes for payments from the Department of Social & Health Services for services for Medicaid recipients.

EHB 1777: IMPLEMENTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE HOME CARE QUALITY AUTHORITY AND INDIVIDUAL HOME CARE PROVIDERS

Prime Sponsor: Representative Morrell

- Approximately \$24 million from the state General Fund is appropriated to implement the state's collective bargaining agreement with individual providers of long-term in-home health services.

HB 2418: PROVIDING BENEFITS TO CERTAIN DISABLED MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2

Prime Sponsor: Representative Cooper

(SB 6279 Senator Murray)

- The refund is increased for retirement system contributions available to members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) who are disabled in the line of duty from 100 percent of accumulated contributions to 150 percent of accumulated contributions.
- The formula is modified for the retirement allowance payable to LEOFF 2 members who are disabled in the line of duty to include a base allowance of ten percent of the member's salary that is not subject to early retirement reductions or the federal income tax and an additional allowance of two percent of salary per year of service beyond five.

HB 2419: CALCULATING THE RETIREMENT ALLOWANCE OF A MEMBER OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 WHO IS KILLED IN THE COURSE OF EMPLOYMENT

Prime Sponsor: Representative G. Simpson

(SB 6278 Senator Parlette)

- The refund is increased for retirement system contributions available to survivors of members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) who are killed in the line of duty from 100 percent of accumulated contributions to 150 percent of accumulated contributions.
- The pension allowance payable to survivors of LEOFF 2 members who are killed in the line of duty is exempt from early retirement reductions.

HB 2453: MODIFYING THE TAXATION OF WHOLESALE SALES OF NEW MOTOR VEHICLES

Prime Sponsor: Representative Fromhold

- For the business and occupation tax exemption for wholesales of new motor vehicles between new car dealers, the requirements that the purpose of the sale be for inventory adjustment and the price be limited to cost are eliminated.

ESHB 2459: MAKING SUPPLEMENTAL OPERATING APPROPRIATIONS

Prime Sponsor: Representative Sommers

(ESSB 6187 Senator Zarelli)

- Modifies the 2003-05 biennial appropriations for the agencies, departments, and institutions of state government. For additional information, see "Supplemental Operating Budget Summary" and

"Statewide Summary and Agency Detail" published by the Senate Ways & Means Committee. The information is also available on the Internet at www.leg.wa.gov/senate/scs/wm/.

HB 2519: AUTHORIZING VOTER APPROVED PROPERTY TAX LEVIES FOR CRIMINAL JUSTICE PURPOSES

Prime Sponsor: Representative Hatfield

(SSB 6205 Senator Doumit)

- Counties 90,000 in population or smaller may levy an additional regular property tax of up to \$0.50 per year for six years subject to voter approval.
- Initial levies must be approved by at least 60 percent vote.

HB 2534: PROVIDING DEATH BENEFITS FOR MEMBERS OF THE WASHINGTON STATE PATROL RETIREMENT SYSTEM PLAN 2

Prime Sponsor: Representative Fromhold

(SB 6254 Senator Regala)

- The pension allowance payable to survivors of members of the Washington State Patrol Retirement System Plan 2 (WSPRS 2) who are killed in the line of duty after at least ten years of service is exempt from the early retirement reduction.

HB 2535: PERMITTING MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3 AND THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3 WHO QUALIFY FOR EARLY RETIREMENT OR ALTERNATE EARLY RETIREMENT TO MAKE A ONE-TIME PURCHASE OF ADDITIONAL SERVICE CREDIT

Prime Sponsor: Representative Alexander

(SSB 6251 Senator Winsley)

- Members of Plan 2 or Plan 3 of the Public Employees' or the School Employees' Retirement Systems who have qualified for early retirement or alternate early retirement are allowed to make a one-time purchase of up to five years of additional service credit.
- Members choosing to make such a purchase of service credit are responsible for paying the full actuarial cost of their increased benefit.

HB 2537: ESTABLISHING A PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM PLAN 2

Prime Sponsor: Representative Alexander

(SB 6246 Senator Fraser)

- Creates a new Public Safety Employees' Retirement System (PSERS) for state and local corrections officers, state park rangers, certain commercial vehicle enforcement officers, and enforcement officers of the Liquor Control Board and the Gambling Commission.
- PSERS members are eligible to retire at age 65 with five or more years of service, at age 60 with ten or more years of service, or at age 53 with 20 or more years of service. Employees retiring prior to age 60 receive a reduced benefit.
- The new system will be open for enrollment on a prospective basis only beginning July 1, 2006.

SHB 2538: ESTABLISHING A ONE THOUSAND DOLLAR MINIMUM MONTHLY BENEFIT FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 MEMBERS AND TEACHERS' RETIREMENT SYSTEM PLAN 1 MEMBERS WHO HAVE AT LEAST TWENTY-FIVE YEARS OF SERVICE AND WHO HAVE BEEN RETIRED AT LEAST TWENTY YEARS

Prime Sponsor: Representative Conway

(SSB 6253 Senator Winsley)

- A minimum retirement allowance of \$1,000 per month is established for members of Plan 1 of the Public Employees' and Teachers' Retirement Systems (PERS 1 and TRS 1) who have at least 25 years of service credit and have been retired for at least 20 years.

ESHB 2546: MODIFYING HIGH TECHNOLOGY AND RESEARCH AND DEVELOPMENT TAX INCENTIVE PROVISIONS

Prime Sponsor: Representative McIntire

(ESSB 6239 Senator Zarelli)

- The business and occupation (B&O) tax credit for research and development (R&D) spending is extended by ten years to January 1, 2015.
- The R&D credit calculation is limited to the amount of R&D expenditures in excess of 0.92 percent of taxable income, and the credit for firms other than non-profits is computed using the firm's average tax rate rather than 1.5 percent.
- The sales and use tax exemption for high-tech R&D & pilot-scale manufacturing is extended by ten years to July 1, 2015.
- The University of Washington and Washington State University are allowed to use the sales and use tax exemption for R&D and federal contractors building federal R&D facilities are included in the exemption.
- Credit and exemption users are required to complete an annual survey on the amount of B&O tax credit or sales tax exemption taken; number of new products, trademarks, patents, and copyrights; number of jobs and the percent of full and part-time jobs; wages by salary band; number of jobs with employer provided health and retirements; and other company related information.
- Public disclosure is allowed for of the amount of the sales tax exemption taken and the amount of credit taken for firms taking more than \$10,000 in annual credits.
- The Department of Revenue is required to annually summarize by category the survey information and to study the credit and exemption and report to the Legislature by December 1, 2009, and December 1, 2013.
- Amounts received from the federal small business programs for innovation research and technology transfers are exempt from B&O tax.

ESHB 2573: ADOPTING A SUPPLEMENTAL CAPITAL BUDGET

Prime Sponsor: Representative Dunshee

(ESSB 6233 Senator Hewitt)

- The 2003-05 capital budget appropriations are modified.
- For additional information, see "Supplemental Capital Budget" and "Project Summary" published by the Senate Ways & Means Committee. The information is available on the Internet at www.leg.wa.gov/senate/scs/wm/.

ESHB 2693: MODIFYING THE TAXATION OF TIMBER ON PUBLICLY OWNED LAND

Prime Sponsor: Representative Hinkle

- Counties are authorized to impose a four percent tax on the harvest of timber from public land, phased-in over ten years starting at 1.2 percent, which is credited against the state's five percent tax.
- The credit against the harvest tax for property taxes paid on privately owned timber on state and local land is replaced with an exemption from the property tax for privately owned timber on state and local land.

ESHB 2933: CLARIFYING COLLECTIVE BARGAINING PROCESSES FOR INDIVIDUAL PROVIDERS

Prime Sponsor: Representative Conway

- Clarification is made that persons providing in-home care services to state-supported consumers are state employees only for purposes of collective bargaining, and for no other purposes.
- In collective bargaining negotiations, the state will be represented by the Governor instead of the Home Care Quality Authority.
- Notwithstanding a collective bargaining agreement, the Legislature reserves its right to make statutory changes to the in-home care services program.
- The state is not liable for the acts of individual home care providers, who are hired and fired directly by the consumers.

HB 2859: AUTHORIZING PUBLIC WORKS PROJECTS RECOMMENDED BY THE PUBLIC WORKS BOARD

Prime Sponsor: Representative Wallace

(SB 6403 Senator Hewitt)

- Authorization is made for 79 public works projects state-wide, totaling \$236.3 million.

EHB 2968: PROVIDING EXCISE TAX DEDUCTIONS FOR GOVERNMENTAL PAYMENTS TO NONPROFIT ORGANIZATIONS FOR SALMON RESTORATION

Prime Sponsor: Representative Linville

- A nonprofit organization is allowed a business and occupation tax deduction for government grants received to support salmon restoration.

HB 3045: DIRECTING THE BOARD OF NATURAL RESOURCES TO EXCHANGE CERTAIN COMMON SCHOOL TRUST LAND

Prime Sponsor: Representative Veloria

- By December 31, 2004, the Board of Natural Resources is required to exchange common school land, known as the "Hat and Boots" parcel for charitable, educational, penal and reformatory institution (CEP&RI) land.
- The CEP&RI land will be leased to South Seattle Community College for \$1 per year.
- Access to the facilities at the Duwamish training facility will be available to apprenticeship programs regardless of union affiliation.

ESHB 3116: MODIFYING TAX EXEMPTIONS FOR QUALIFYING BLOOD BANKS, TISSUE BANKS, AND BLOOD AND TISSUE BANKS

Prime Sponsor: Representative Murray

(SB 6631 Senator Zarelli)

- The Thurston County Superior Court ruled that the 1995 extension of tax exemptions for blood banks to bone and tissue banks was beyond the title of the bill enacting the exemptions.
- Existing business and occupation tax, sales and use tax, and property tax exemptions for nonprofit blood, bone, and tissue banks are reenacted.

SHB 3158: EXEMPTING COMPUTER EQUIPMENT USED PRIMARILY IN PRINTING OR PUBLISHING FROM SALES AND USE TAX

Prime Sponsor: Representative McIntire

- Computer machinery and equipment purchased by a printer or publisher and used primarily for printing or publishing is exempt from the sales and use tax.