

SENATE COMMITTEE SERVICES

**BILLS PASSED**

**DURING THE 2010 LEGISLATIVE SESSION  
& THE 2010 FIRST SPECIAL SESSION**

**FINAL REPORT INCLUDES GOVERNOR'S ACTION**

LISTED BY SENATE COMMITTEE



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First Special Session Sine Die Edition  
(Updated 5/10/10)



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# AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

786-7411

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**SB 6229:                   EXTENDING TO 2015 THE ASSESSMENT LEVIED UNDER  
RCW 15.36.551 TO SUPPORT THE DAIRY INSPECTION  
PROGRAM**

*Prime Sponsor: Senator Schoesler*

*(HB 2461 Representative Blake)*

*\*Signed by the Governor*

- The current assessment on milk is extended for another five years, until June 30, 2015.
- The funds are used to maintain compliance with the state milk inspection program.

**SSB 6299:                   REGARDING ANIMAL INSPECTIONS**

*Prime Sponsor: Senator Schoesler*

*(HB 2806 Representative Blake)*

*\*Signed by the Governor*

- Unless exempted by Washington State Department of Agriculture (WSDA) rule, livestock brought into Washington must be delivered within 12 hours after entry to a feed lot for slaughter, a slaughter plant, or a public livestock market for sale then delivery within 12 hours to a feed lot for slaughter or a slaughter plant.
- Persons importing, transporting, receiving, feeding, or housing imported livestock must make livestock and related records available for WSDA inspection. WSDA may charge an inspection fee and adopt and enforce implementing rules. The agency may enter property to investigate possible violations, conduct inspections, take samples, and examine and copy records. Interference is unlawful.
- Self-inspection certificates ("certificates") completed after June 10, 2010, are no longer satisfactory proof of ownership for cattle. Certificates completed before then may be acceptable if WSDA determines that, with other documents, they sufficiently establish ownership.
- WSDA may adopt rules governing replacement of brand inspection documents and charge \$25 for copies.

**SSB 6341:                   TRANSFERRING FOOD ASSISTANCE PROGRAMS TO THE  
DEPARTMENT OF AGRICULTURE**

*Prime Sponsor: Senator Hatfield*

*(SHB 2863 Representative Blake)*

*\*Signed by the Governor*

- Three food bank related programs operated by the Department of Commerce and the Department of General Administration are transferred to the Department of Agriculture.
- The legislative intent is that the Department of Agriculture will continue to provide these programs through community-based organizations, and that the department's current core programs will not be impacted.
- The transfers take effect on July 1, 2010.

**SSB 6343:                   ESTABLISHING THE WASHINGTON FOOD POLICY FORUM**

*Prime Sponsor: Senator Jacobsen*

*\*Vetoed by the Governor*

- ~~The Washington Food Policy Forum is established to examine food related issues and make recommendations to the Governor and the Legislature.~~
- ~~The Forum is to consist of 16 interest group representatives appointed by the Director of Agriculture. Seven state agencies and two universities are invited to participate.~~
- ~~Among the food related issues that will be reviewed are increasing the state purchase of locally grown food, reducing the burden of obesity and chronic diet related diseases, the future of farming study, and increased coordination of food related programs by government agencies.~~
- ~~The Forum is to seek its funding from federal sources or from foundations. The Forum is to report annually to the Legislature and the Governor. The Forum expires July 1, 2015. (Vetoed in its entirety)~~

**SSB 6520: EXTENDING TIME TO COMPLETE RECOMMENDATIONS UNDER RCW 36.70A.5601 CONDUCTED BY THE WILLIAM RUCKELSHAUS CENTER**

*Prime Sponsor: Senator Hatfield*

*(HB 2891 Representative Simpson)*

*\*Signed by the Governor*

- The current moratorium on updating critical area ordinances affecting agricultural lands is extended one additional year to July 1, 2011.
- The deadline by which counties and cities are to review and, if necessary, update critical area ordinances as they apply to agricultural activities is extended one year to December 1, 2012.
- The Ruckelshaus Center report date on work with stakeholders is extended one year to September 1, 2010.

**SB 6543: MODIFYING THE POWERS OF THE WASHINGTON TREE FRUIT RESEARCH COMMISSION**

*Prime Sponsor: Senator Hatfield*

*(HB 3095 Representative Blake)*

*\*Signed by the Governor*

- The Washington Tree Fruit Research Commission is authorized to form a nonprofit foundation to assist in the distribution to growers of new fruit varieties.
- The Commission is authorized to enter into contracts for the purposes authorized by statute and may acquire or own intellectual property rights and collect royalties resulting from commission-funded research.

**SSB 6556: CHANGING THE FEES FOR CERTAIN TYPES OF AGRICULTURAL BURNING**

*Prime Sponsor: Senator Hatfield*

*(HB 2980 Representative Blake)*

*\*Signed by the Governor*

- The current statutory maximum permit fee for agricultural field burning of \$2.50 per acre is increased to \$3.75 per acre.
- Authority is provided to charge a permit fee for agricultural pile burning not to exceed \$1 per ton.
- These fees will be set by rule adopted by the Department of Ecology at the level determined by the agricultural burning practices and research task force. The fees will be used to fund the smoke management program.

**SSB 6634: ESTABLISHING CIVIL PENALTIES FOR FAILURE TO COMPLY WITH DAIRY NUTRIENT MANAGEMENT RECORDKEEPING REQUIREMENTS**

*Prime Sponsor: Senator Ranker*

*\*Signed by the Governor*

- Provides authority to the Department of Agriculture to levy a civil fine of up to \$5,000 per year for failure to keep adequate records for applications of dairy nutrients.
- Provides guidance to the agency for determining the level of the fine, and recognizes existing statutes that prevent fines for first-time minor offenses.
- Provides that fines may be appealed to the Pollution Control Hearings Board.

**SB 6745: CONCERNING VETERINARY TECHNICIAN LICENSES**

*Prime Sponsor: Senator Sheldon*

*(HB 2470 Representative Haigh)*

*\*Signed by the Governor*

- To qualify to take the exam for a veterinary technician license, the option of having five years of on-the-job experience with a licensed veterinarian is being discontinued.
- After July 1, 2015, persons will no longer qualify to take the veterinary technician license exam without having completed an approved post-high school education program that specializes in care and treatment of animals.
- Persons that are employed with a licensed veterinarian before July 1, 2010, will be able to complete the five-year experience requirement and thus qualify to take the licensing exam.

**SSB 6816: CONCERNING SPECIAL PERMITTING FOR CERTAIN FARM IMPLEMENTS**

*Prime Sponsor: Senator Schoesler*

*\*Signed by the Governor*

- The Department of Transportation must review the administrative rule that contains the 14-foot height limitation for the agricultural implement special permit and consider specific areas in the state where an exception to this restriction can be made.
- In conducting this review, the department must invite representatives of farmers, farm equipment dealers, and the State Patrol.
- The department is encouraged to conduct the review in a timely manner so that rule changes can be made expeditiously.
- The department must report back to the Legislature on its findings and conclusions by December 1, 2010.

**SHB 2402: CONCERNING A PROPERTY TAX EXEMPTION FOR PROPERTY OWNED BY A NONPROFIT ORGANIZATION AND USED FOR THE PURPOSE OF A FARMERS MARKET**

*Prime Sponsor: Representative White*

*(SB 6653 Senator Jacobsen)*

*\*Signed by the Governor*

*\*SHB 2439 was not enacted, but the provisions are similar as described below:*

- Nonprofit organizations operating public assembly halls or meeting places and churches may retain their exemption from property taxation if used by qualifying farmers markets for not more than 53 days each year. Income from rental or use must be used for capital improvements, maintenance and operation, or exempt purposes.
- A qualifying farmers market is an entity that sponsors a regular assembly of vendors at a defined location for promoting sale of agricultural products grown or produced in Washington directly to the consumer and meets other requirements.
- The act applies to taxes levied for collection in 2011 and expires in 2020.

**HB 2439: EXEMPTING CHURCH PROPERTY USED BY A NONPROFIT ORGANIZATION CONDUCTING ACTIVITIES RELATED TO A FARMERS MARKET FROM PROPERTY TAXATION**

*Prime Sponsor: Representative Short*

*(SB 6335 Senator Jacobsen)*

*\*SHB 2439 is incorporated in its entirety into SHB 2402.*

**HB 2460: REGARDING ORGANIC PRODUCTS**

*Prime Sponsor: Representative Smith*

*(SB 6228 Senator Haugen)*

*\*Signed by the Governor*

- The Washington State Department of Agriculture (WSDA) is granted clear authority to administer two existing WSDA organic food programs. The programs enable producers transitioning into organic production to obtain certification under WSDA transitional standards, and manufacturers to register products for inclusion on a list of products approved for use in organic operations. WSDA may set and collect related fees.
- WSDA may act as a certifying agent and set standards for other certifying agents evaluating compliance with national organic standards.
- WSDA may conduct evaluations in retail stores to verify compliance with organic labeling and advertising requirements.

**HB 3030:                   REGARDING THE ADMINISTRATION OF IRRIGATION DISTRICTS**

*Prime Sponsor: Representative Fagan*

*\*Signed by the Governor*

- If affected land is within a federal reclamation project, additions to or exclusions of the land from an irrigation district (district) are not subject to review by a boundary review board.
- The upper limit of the estimated cost of district projects eligible for small works roster contracting is increased from \$100,000 to \$300,000. Districts must use the uniform small works roster contracting process specified for state agencies, institutions of higher education, and several local government entities.
- A separate legal entity jointly created by districts may create an upgrading and improvement fund to receive revenue and finance improvements to irrigation and hydroelectric facilities and licensing of hydroelectric facilities.

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## **EARLY LEARNING & K-12 EDUCATION**

**786-7420**

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### **2ESB 5617:            CHANGING EARLY LEARNING ADVISORY COUNCIL PROVISIONS**

*Prime Sponsor: Senator Kauffman*

*\*Signed by the Governor*

- The Early Learning Advisory Council (ELAC) currently advises the Department of Early Learning (DEL). ELAC must specifically advise DEL on issues that would build a comprehensive system of quality early learning programs and services by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development, and establishing key performance measures.
- ELAC may include up to 23 members instead of 25, and all 23 are specified in statute. Thrive by Five is represented by one, instead of two, members.

### **ESSB 6403:            REGARDING ACCOUNTABILITY AND SUPPORT FOR VULNERABLE STUDENTS AND DROPOUTS**

*Prime Sponsor: Senator Kauffman*

*(HB 2609 Representative Hunt)*

*\*Signed by the Governor/partial veto*

- ~~In order to significantly improve statewide high school graduation rates, the Legislature intends to facilitate the development of a collaborative infrastructure at the local, regional, and state level between systems that serve vulnerable youth.~~ (PV)
  - The Building Bridges work group must include specified representatives. State agencies in the work group must work together to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems.
  - The work group must report annually to the Quality Education Council (QEC), the Legislature, and the Governor. By September 15, 2010, the Office of Superintendent of Public Instruction (OSPI) and the work group must make specific recommendations. By December 1, 2010, the work group must make recommendations on state-level and regional infrastructure for coordinating services for vulnerable youth.
- \*SHB 2776, which was vetoed in part, is incorporated in part into ESSB 6403, as described below:*
- The Washington State Institute of Public Policy must calculate an annual estimate of the savings resulting from any change compared to the prior school year in the extended graduation rate. OSPI must include the information in its annual report.

### **SB 6593:            TRANSFERRING THE ADMINISTRATION OF THE INFANT AND TODDLER EARLY INTERVENTION PROGRAM FROM THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO THE DEPARTMENT OF EARLY LEARNING**

*Prime Sponsor: Senator Gordon*

*(SHB 2741 Representative Dickerson)*

*\*Signed by the Governor*

- The Department of Early Learning (DEL) is directed to serve as the state lead agency for Part C of the federal Individuals with Disabilities Education Act.
- The Infant and Toddler Early Intervention Program (ITEIP) is renamed the Early Support for Infants and Toddlers Program.
- All powers, duties, and functions of the Department of Social and Health Services pertaining to ITEIP are transferred to DEL.

**ESSB 6604: PROVIDING FLEXIBILITY IN THE EDUCATION SYSTEM**

*Prime Sponsor: Senator Hobbs*

*\*Signed by the Governor*

- Repeals the requirement that school districts provide Student Learning Plans for students in fifth grade, and ninth through twelfth grade. (Students who are in eighth grade and have not been successful on the state assessment or are not on track to graduate must still receive Student Learning Plans.)

**SSB 6629: CONVENING A WORKING GROUP TO MAKE RECOMMENDATIONS DEFINING A BASIC EDUCATION PROGRAM FOR HIGHLY CAPABLE STUDENTS**

*Prime Sponsor: Senator Oemig*

*\*SSB 6629 is incorporated in its entirety into ESSB 6444.*

**SB 6668: REGARDING ELIGIBILITY REQUIREMENTS FOR THE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM**

*Prime Sponsor: Senator Kauffman*

*\*SB 6668 is incorporated in part into 2SHB 2731.*

**E2SSB 6696: REGARDING EDUCATION REFORM**

*Prime Sponsor: Senator McAuliffe*

*\*Signed by the Governor*

- Provides authority and specifies a process for the Superintendent of Public Instruction (OSPI) and the State Board of Education to implement an accountability system that recognizes successful schools and requires certain actions by school districts with persistently lowest-achieving schools, according to federal definitions.
- Requires development and implementation of new classroom teacher and principal four-level rating evaluation systems with specified minimum criteria, and extends provisional status for non-supervisory certificated staff from two to three years.
- Establishes a new process for transferring principals to a subordinate position, which applies only to principals hired after the bill takes effect and in school districts with more than 35,000 students.
- Authorizes the Professional Educator Standards Board to accept proposals for new educator preparation program providers that include community colleges and non-higher education providers.
- Requires all teacher preparation programs to administer a new evidence based assessment to all pre-service candidates beginning in 2011-12.
- Authorizes the OSPI to provisionally adopt, by August 2, 2010, the Common Core Standard developed by a multi-state consortium, but prohibits implementation until the Legislature has an opportunity for review.

**2SSB 6702: PROVIDING EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS**

*Prime Sponsor: Senator Kline*

*(HB 3029 Representative Haigh)*

*\*Signed by the Governor*

- A program of education is created for juveniles under the age of 18 who are confined in adult jails. The responsibilities of the school districts and the adult jail facilities are delineated in the bill.
- School districts and adult jail facilities are required to negotiate and execute contracts.
- The Office of the Superintendent of Public Instruction is required to adopt rules that apply to school districts and educational providers in order to conduct this program.
- Excess local levy monies cannot be used for this program.

**SSB 6759:                   REQUIRING A PLAN FOR A VOLUNTARY PROGRAM OF  
EARLY LEARNING**

*Prime Sponsor: Senator Kauffman*

*\*Signed by the Governor*

- A technical working group is created beginning April 1, 2010, to develop a comprehensive plan for a voluntary program of early learning. The working group is convened by the Office of Superintendent of Public Instruction (OSPI) and the Department of Early Learning (DEL), but must be monitored and overseen by the Quality Education Council (QEC).
- The plan must examine the opportunities and barriers of at least two options: (1) a program of early learning under basic education, and (2) a program of early learning as an entitlement. Specific recommendations are required for each option.
- The membership includes representatives from DEL, OSPI, Thrive by Five Washington, the Attorney General's Office, two members of the Early Learning Advisory Council (ELAC), and other stakeholders appointed by ELAC.
- The working group has a progress report due to ELAC and the QEC July 1, 2011, and a final report and plan due November 1, 2011. The QEC must report to the Legislature by January 1, 2012.

**2SSB 6760:                   REGARDING THE BASIC EDUCATION INSTRUCTIONAL  
ALLOCATION DISTRIBUTION FORMULA**

*Prime Sponsor: Senator Oemig*

*\*2SSB 6760 is incorporated in part into SHB 2776.*

**SB 6761:                    REGARDING THE RECOMMENDATIONS OF THE QUALITY  
EDUCATION COUNCIL**

*Prime Sponsor: Senator McAuliffe*

*\*SB 6761 is incorporated in part into SHB 2776.*

**E2SHB 1418:               ESTABLISHING A STATEWIDE DROPOUT REENGAGEMENT  
SYSTEM**

*Prime Sponsor: Representative Kagi*

*(SB 5618 Senator Kauffman)*

*\*Signed by the Governor*

- A statutory framework for a statewide dropout reengagement system is created to provide education and services to students, ages 16 to 21, who are so credit deficient that completion of a high school diploma is not reasonable. The students may also be recommended by case managers.
- Under the system, a dropout reengagement program may be provided when school districts enter into interlocal agreements with an educational service district, community or technical college, or other public entity. A school district may also enter into a contract with a community-based organization.
- A dropout reengagement program offers academic instruction and college and work readiness preparation; case management, counseling, and resource and referral services; and an opportunity to enroll in college courses tuition-free if the provider is a college.
- The Office of Superintendent of Public Instruction must develop model interlocal agreements and contracts for the dropout reengagement system.

**HB 2621:                   DESIGNATING RESOURCE PROGRAMS FOR SCIENCE,  
TECHNOLOGY, ENGINEERING, AND MATHEMATICS  
INSTRUCTION IN K-12 SCHOOLS**

*Prime Sponsor: Representative Orwall*

*\*Signed by the Governor*

- Subject to funds appropriated for this purpose, the Superintendent of Public Instruction must designate up to three middle schools and up to three high schools to serve as light house programs to provide technical

assistance and advice to others who are creating a science, technology, engineering, and mathematics (STEM) learning environment.

- The Office of Superintendent of Public Instruction must work with the designated schools to publicize their models of STEM instruction and encourage other schools and communities to replicate similar models.

## **2SHB 2731: CREATING AN EARLY LEARNING PROGRAM FOR EDUCATIONALLY AT-RISK CHILDREN**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor/partial veto*

- Establishes a voluntary program of early learning for three- and four-year olds, ~~and specifies that when fully implemented, the program must be an entitlement program for eligible children.~~ Directs that the program be implemented beginning September 1, 2011, and that the phase-in of expanded opportunities be implemented in districts where full-day kindergarten is being provided. Requires the program to use the program and eligibility standards of the Early Childhood Education and Assistance Program (ECEAP). (PV)
- Requires that funding for the program in the 2011-2013 biennium be not less than the funding provided for ECEAP in the 2009-2011 biennium. Requires additional funding be phased-in beginning in the 2013-2014 school year so that the program is fully implemented by the 2018-19 school year. Requires annual forecasting and reporting to the Governor and Legislature regarding caseloads and funding recommendations.

- Names the act the Ready for School Act of 2010.

*\*SB 6668 is incorporated in part into 2SHB 2731, as described below:*

- Revises the ECEAP eligibility standards to include a child who qualifies for special education services.

## **SHB 2776: REGARDING FUNDING DISTRIBUTION FORMULAS FOR K-12 EDUCATION**

*Prime Sponsor: Representative Sullivan*

*\*Signed by the Governor/partial veto*

*\*2SSB 6760 incorporated in part into SHB 2776.*

- Beginning in the 2011-12 school year the current funding ratios in statute are replaced with the new prototypical school funding allocation formula using the basic education funding levels, except for classified staff current funding levels are used.
- Enhancements to the basic education funding levels are phased-in beginning in the 2011-13 biennium to reduce class size to 17 in grades K-3; increase the funding levels for material, supplies, and operating costs; implement all-day kindergarten; and a new student transportation funding formula based on predicted costs.

*\*SB 6761 incorporated in part into SHB 2776, as described below.*

- The timelines for workgroups established last year are adjusted.
- ~~The Washington State Institute for Public Policy (WSIPP) must annually calculate a savings to taxpayers resulting from improved extended graduation rates compared to the prior school year. The OSPI must include this estimate in its annual dropout and graduation report.~~ (PV)

## **SHB 2801: REGARDING ANTIHARASSMENT STRATEGIES IN PUBLIC SCHOOLS**

*Prime Sponsor: Representative Liias*

*\*Signed by the Governor*

- The Office of the Superintendent of Public Instruction is directed to revise and update the model harassment, intimidation, and bullying prevention policy.
- School districts are required to adopt or amend their policies and procedures to incorporate the revised policy and procedure and to designate a primary contact person in the district.
- The Office of the Education Ombudsman is designated as the lead agency to provide resources and tools regarding anti-harassment policies and strategies to parents and families.

## **2SHB 2867: PROMOTING EARLY LEARNING**

*Prime Sponsor: Representative Kagi*

*(SB 6517 Senator McAuliffe)*

*\*Signed by the Governor*

- The Department of Early Learning (DEL) is directed to develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as home visiting; quality incentives for infant and toddler child care subsidies; quality improvement for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal support for family, friend, and neighbor caregivers.
- Within existing resources, DEL, in collaboration with Thrive by Five Washington and the Early Learning Advisory Council, must develop a birth-to-three plan, including recommended appropriation levels. They must report to the Legislature and the Governor by December 1, 2010.

## **SHB 2893: CHANGING SCHOOL LEVY PROVISIONS**

*Prime Sponsor: Representative Sullivan (SB 6518 Senator Oemig)*

*\*Signed by the Governor/partial veto*

- A district's maximum levy percentage is increased 4 percentage points from 24 to 28 percent beginning in 2011 through 2017.
- The bill retains the additional grandfathered increments on top of the higher lid.
- The levy-equalization percentage is increased to 14 percent for calendar years 2011 through 2017.
- Through 2017, a school district's levy base continues to include amounts districts would have received if I-728 and I-732 were not reduced by budget changes since enactment.
- If the K-4 enhancement dollars are eliminated by the Legislature, the lost funds are included in the levy base in the same manner as I-728 and I-732.
- ~~The bill contains a null and void clause declaring that if any section is invalidated, or if Local Effort Assistant funding is not provided in the budget, the bill is null and void.~~ (PV)

## **ESHB 2913: AUTHORIZING INNOVATIVE INTERDISTRICT COOPERATIVE HIGH SCHOOL PROGRAMS**

*Prime Sponsor: Representative Haigh*

*\*Signed by the Governor*

- Two or more nonhigh school districts may form an interdistrict cooperative to offer an Innovation Academy Cooperative for their resident high school students.
- An Academy is defined as a high school program with one or more of the following: interdisciplinary curriculum and instruction organized into subject-focused academies, a combination of service delivery models, intensive and accelerated learning, and creative scheduling and use of facilities.
- The Superintendent of Public Instruction must approve the Academies before operation begins and report back to the Legislature by January 1, 2013.

## **HB 2996: INCLUDING APPROVED PRIVATE SCHOOLS IN THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S RECORD CHECK INFORMATION RULES**

*Prime Sponsor: Representative Quall*

*(SB 6619 Senator McAuliffe)*

*\*Signed by the Governor*

- The Office of the Superintendent of Public Instruction is authorized to provide approved private schools access to the data base of background check information to obtain the results specific to the school's applicants for employment.

**E2SHB 3026: REGARDING SCHOOL DISTRICT COMPLIANCE WITH STATE AND FEDERAL CIVIL RIGHTS LAWS**

*Prime Sponsor: Representative Santos*

*\*Signed by the Governor*

- A new chapter is added to the school code that parallels the current sexual equality chapter which prohibits discrimination on the basis of race, creed, religion, color, national origin, sexual orientation including gender expression or identity, veteran or military status, disability, or the use of a trained guide or service animal by a person with a disability. The Office of the Superintendent of Public Instruction (OSPI) is tasked with developing rules and guidelines to eliminate such discrimination.
- OSPI is authorized to enforce and obtain compliance with state discrimination laws.
- A private cause of action is created for violations of this chapter for the recovery of damages and equitable relief.

**SHB 3036: REQUIRING A PUBLIC MEETING BEFORE A SCHOOL DISTRICT CONTRACTS FOR NONVOTER-APPROVED DEBT**

*Prime Sponsor: Representative Quall*

*\*Signed by the Governor*

- Before issuing nonvoter-approved bonds in excess of \$250,000 a school district must hold a public hearing on the proposal.
- In advance of the public hearing, the district must publish a notice, at least one time each week for two consecutive weeks, in a newspaper of general circulation in the district.
- The notice must state information about the meeting, the purpose and conditions of the bonds, and the means identified for repayment.
- The public notice and hearing requirements do not apply to any refinancing or refunding of the bonds.

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## **ECONOMIC DEVELOPMENT, TRADE & INNOVATION**

**786-7409**

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### **ESSB 6241: CREATING COMMUNITY FACILITIES DISTRICTS**

*Prime Sponsor: Senator Kilmer*

*(SHB 2577 Representative Sullivan)*

*\*Signed by the Governor*

- Authorizes the establishment of community facilities districts to provide voluntary landowner financing of community facilities and local, sub-regional, and regional infrastructure.
- Sets out requirements and authorities related to the formation, governance, powers, and finances of community facilities districts.

### **2SSB 6578: CONCERNING THE CREATION OF OPTIONAL MULTIAGENCY PERMITTING TEAMS**

*Prime Sponsor: Senator Swecker*

*\*Signed by the Governor*

- The Office of Regulatory Assistance (ORA) is to develop an optional multiagency permitting team for coordinated permitting and integrated regulatory decision making. The team is to start its work in the Puget Sound basin.
- With the exception of some initial costs, the expenses of the team are to be recovered through cost-reimbursement and cost-sharing. The Director of ORA is authorized to solicit funds to cover initial or nonrecoverable costs. An account for solicited funds is created.
- The team is to target: environmental clean-up, restoration, and enhancement projects; large scale development projects; aquaculture and complex aquatic resources permit application projects; and energy, power generation, and utility projects.

### **E2SSB 6609: CONCERNING INFRASTRUCTURE FINANCING FOR LOCAL GOVERNMENTS**

*Prime Sponsor: Senator Kastama*

*(SHB 2985 Representative Maxwell)*

*\*Signed by the Governor*

- Increases the total state contribution for the Local Revitalization Financing (LRF) program by \$1.95 million and dedicates the increase to six named demonstration projects. Ties Department of Revenue approval of the six LRF demonstration projects to completion of an economic analysis by the University of Washington, including a probability assessment related to estimates of job creation and revenue increases.
- Authorizes a taxing district to participate in the LRF program on a partial basis and a sponsoring local government to issue revenue bonds under certain conditions.
- Authorizes an increment and revitalization area to overlap when certain conditions and constraints are met.
- Jurisdictions with Local Infrastructure Financing Tool program projects may receive a state contribution less than the project award and they may impose the local sales and use tax before revenues reach the amount of the project award.

### **2SSB 6667: CONCERNING BUSINESS ASSISTANCE PROGRAMS**

*Prime Sponsor: Senator Kauffman*

*\*Signed by the Governor*

- The Department of Commerce and the Small Business Development Center are to jointly prepare an actionable plan for increased access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-13 biennium. They may consult with the Washington Microenterprise Association in developing the plan.
- The plan is to be presented by December 1, 2010, to the Governor and appropriate legislative committees.

**2SSB 6675: CREATING THE WASHINGTON GLOBAL HEALTH TECHNOLOGIES AND PRODUCT DEVELOPMENT COMPETITIVENESS PROGRAM AND ALLOWING CERTAIN TAX CREDITS FOR PROGRAM CONTRIBUTIONS**

*Prime Sponsor: Senator Murray*

*(SHB 2983 Representative Kenney)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The Washington global health technologies and product development competitiveness program is created to make grants for development of global health technologies and products. The program is to be administered by a nonprofit organization with a board of directors appointed by the Governor.
- Grant award recipients are to conduct their research, development, and production activities within Washington, except for clinical trials that must be carried out in developing countries.
- Grantees must report prescribed information to the board, and the board must use that information to prepare an annual evaluative report to the Legislature and Governor beginning in 2012.

**2SSB 6679: CONCERNING THE SMALL BUSINESS EXPORT FINANCE ASSISTANCE CENTER**

*Prime Sponsor: Senator Kauffman*

*\*Signed by the Governor*

- The Small Business Export Finance Assistance Center is authorized to make loans or provide loan guarantees to finance export activities for Washington businesses with \$200 million or less in annual sales. Such loans may only be made upon a financial institution's assurance that the financing would not otherwise be available.
- The center must develop a rural manufacturer export outreach program and develop export loan or loan guarantee programs in conjunction with the Washington Economic Development Finance Authority.

**SSB 6706: CONCERNING THE COMMERCIALIZATION OF RESEARCH AT STATE UNIVERSITIES**

*Prime Sponsor: Senator Murray*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- State universities are to commercialize research and strengthen university-industry relationships. The state universities are to perform one or more of the following:
  - provide collaborative research and tech-transfer opportunities;
  - make commercialization processes and resources accessible;
  - pair researchers, entrepreneurs, and investors through workshops, events, and websites; and
  - provide opportunities for training through direct involvement in research and industry interactions.
- State universities are authorized to establish and administer bridge funding programs for start-up companies with federal and private funds.

**E2SHB 1096: ENHANCING SMALL BUSINESS PARTICIPATION IN STATE PURCHASING**

*Prime Sponsor: Representative Hasegawa*

*\*Vetoed by the Governor*

- ~~The Department of General Administration, the Department of Transportation, and the Department of Information Services are to develop and implement a plan to increase the number of small businesses receiving state contracts. Using 2009 as the base year, contracts to small businesses are to be increased by 50 percent in 2012 and 100 percent in 2014.~~
- ~~Small business is defined as an in-state business that is either: (1) certified by the Office of Minority and Women's Business Enterprises; or (2) has fewer than 51 employees or less than \$7 million in annual gross revenues. (Vetoed in its entirety)~~

**SHB 2420: PROMOTING INDUSTRIES THAT RELY ON THE STATE'S WORKING LAND BASE**

*Prime Sponsor: Representative Kenney*

*(SB 6235 Senator Hargrove)*

*\*Signed by the Governor*

- The Employment Security Department (ESD) is to conduct an analysis to determine key growth factors and employment projections for occupations in the forest product industry. ESD is also to define the education and skill standards required for current and emerging green occupations in the industry.
- Business representatives on green industry skill panels started by the Workforce Training Board are to include representatives of forest product companies as well as companies engaged in energy efficiency and renewable energy production, pollution mitigation, green buildings, and green transportation.
- The Department of Commerce and the Workforce Training Board are to identify barriers to the growth of green jobs in traditional industries such as the forest products industry.

**SHB 2525: CONCERNING PUBLIC FACILITIES DISTRICTS**

*Prime Sponsor: Representative Nealey*

*(SB 6262 Senator Hobbs)*

*\*Signed by the Governor*

- Requires approval by a majority of board members from each jurisdiction within a recreational facility Public Facilities District (PFD) only when submitting a tax proposition to the voters.
- Towns and cities that are allowed to form a combined PFD are limited.
- Regional and special event centers that cost at least \$10 million or more can be created by these PFDs.

**2SHB 2603: REQUIRING AGENCIES TO GIVE SMALL BUSINESSES AN OPPORTUNITY TO COMPLY WITH A STATE LAW OR AGENCY RULE BEFORE IMPOSING A PENALTY**

*Prime Sponsor: Representative Smith*

*\*Signed by the Governor*

- Requires agencies to provide small businesses with a copy of the state law or agency rule being violated and to allow a period of at least two business days for the small business to correct the violation before a fine, a civil penalty, or an administrative sanction is imposed.
- The requirement to give a copy of the law and provide a two-day grace period does not apply if a third party complainant would be disadvantaged.
- Neither the Attorney General's authority to sanction nor authority to enforce the Consumer Protection Act are affected by the bill.

**SHB 2651: AUTHORIZING PORT DISTRICTS TO PARTICIPATE IN ACTIVITIES RELATED TO JOB TRAINING AND PLACEMENT**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- Authorizes port districts to provide resources to assist nonprofit organizations to operate certain job training and placement programs.

**E2SHB 2658: REFOCUSING THE DEPARTMENT OF COMMERCE, INCLUDING TRANSFERRING PROGRAMS**

*Prime Sponsor: Representative Kenney*

*(2SSB 6515 Senator Kastama)*

*\*Signed by the Governor/partial veto*

- The mission of the Department of Commerce (department) is to grow and improve jobs in Washington and facilitate innovation. The department is to provide business assistance and economic development services through sector-based, cluster-based, and regional partners. The department is to examine agricultural commodity commissions as a model for self-financing systems for addressing industry identified needs.
- Directs the department to establish a separate division for community services and housing programs.

- Directs the transfer of the department's powers, duties, and functions pertaining to five programs and activities to other state agencies.
- Establishes principles to guide development and implementation of the state's energy strategy and to maintain competitive energy prices, increase competitiveness by fostering a clean energy economy, and reduce greenhouse gas emissions.
- ~~Requires the department, with guidance of an advisory committee, to develop and present to the Legislature an updated state energy strategy and implementation report beginning December 1, 2010, and every five years thereafter. (PV)~~

**ESHB 3014:                   MODIFYING THE SALES AND USE TAX DEFERRAL PROGRAM  
FOR INVESTMENT PROJECTS IN RURAL COUNTIES**

*Prime Sponsor: Representative Kessler*

*(SB 6613 Senator Kastama)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- Eligibility for sales and use tax deferrals are limited to investment projects in counties with an unemployment rate which is at least 20 percent above the state average for three years and investment projects in community empowerment zones. The deferral program expires July 1, 2020.
- The definition of "manufacturing" related to computer programming and other computer-related services is clarified retroactively. Computer programming and other computer-related services are eliminated from the definition of "manufacturing" beginning July 1, 2010.
- Under certain circumstances, tax deferrals may remain in place for up to two years during periods of temporary shutdowns.

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## **ENVIRONMENT, WATER & ENERGY**

**786-7406**

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**ESSB 5543:            REDUCING THE RELEASE OF MERCURY INTO THE ENVIRONMENT**

*Prime Sponsor: Senator Pridemore*

*(HB 1469 Representative Hunt)*

*\*Signed by the Governor*

- All users must recycle mercury-containing lights beginning January 1, 2013.
- A producer-financed product stewardship program is established for the collection, recycle, and disposal of mercury-containing lights.
- Producers of mercury-containing lights sold in the state must implement and participate in a product stewardship program.

**E2SSB 6267:            REGARDING WATER RIGHT PROCESSING IMPROVEMENTS**

*Prime Sponsor: Senator Rockefeller*

*(HB 2508 Representative Blake)*

*\*Signed by the Governor/partial veto*

- Under cost-reimbursement, an applicant does not have to pay for the costs of all other applications from the same water sources if the application is for a change, transfer, or amendment of a water right that would not diminish the water available to earlier pending applicants.
- Upon the request of an applicant seeking cost-reimbursement processing, the Department of Ecology (Ecology) may elect to initiate a coordinated cost-reimbursement process.
- Ecology may expedite the processing of applications within the same surface water or groundwater source under certain circumstances.
- Ecology must establish and maintain a list of certified water right examiners who are eligible to perform final proof examinations of permitted water uses leading to the issuance of a water right certificate.
- ~~Redefines the original location of a well associated with a water right claim as the area located within one-quarter mile radius of the current well or wells.~~ (PV)

**SB 6365:                EXEMPTING THE MOTOR VEHICLES OF CERTAIN RESIDENTS WHO ARE MEMBERS OF THE ARMED SERVICES FROM THE PROVISIONS OF CHAPTER 70**

*Prime Sponsor: Senator Swecker*

*\*Signed by the Governor*

- The provisions of the motor vehicle emission standards do not apply to the use of a motor vehicle that is obtained and used by a resident of Washington while serving as a member of the armed services in another state.

**SSB 6373:                DIRECTING THE DEPARTMENT OF ECOLOGY TO ADOPT RULES REQUIRING ENTITIES TO REPORT THE EMISSIONS OF GREENHOUSE GASES**

*Prime Sponsor: Senator Ranker*

*(SHB 2545 Representative Upthegrove)*

*\*Signed by the Governor*

- The Department of Ecology (Ecology) must revise the greenhouse gas (GHG) reporting rules to require reporting of GHG emissions by a person who emits 10,000 metric tons or more per year from a single facility, source, or fossil fuels sold in Washington by a single supplier.
- Persons who are required to file periodic tax reports of motor vehicle fuel or special fuel sales, and distributors of aircraft fuel must report to Ecology the annual GHG emissions associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel sold in Washington.

- After notifying the Legislature, Ecology may include by rule other gases as a GHG when the gas has been designated as a GHG by Congress or the EPA. The rule may not be effective before the end of the following legislative session.

**ESSB 6468: COORDINATING THE WEATHERIZATION AND STRUCTURAL REHABILITATION OF RESIDENTIAL STRUCTURES**

*Prime Sponsor: Senator Kauffman*

*\*Signed by the Governor*

- The Department of Commerce must prioritize the allocation of funds from the Low-Income Weatherization Assistance and Structural Rehabilitation Account to projects that maximize energy efficiency and extend the usable life of a home, through rehabilitation and repair activities and the installation of energy efficiency measures.

**SSB 6557: LIMITING THE USE OF CERTAIN SUBSTANCES IN BRAKE FRICTION MATERIAL**

*Prime Sponsor: Senator Ranker*

*(HB 3018 Representative Chase)*

*\*Signed by the Governor*

- To address concerns regarding toxicity of substances abraded from motor vehicle brake pads (pads) into the environment, in-state sale of pads containing the substances is banned on a phased basis. Beginning in: 2014, sale of pads containing more than trace amounts of asbestos, cadmium, chromium, lead, and mercury is banned; and 2021, sale of pads containing more than 5 percent copper is banned. Pad manufacturers must certify compliance and mark certification on pads.
- Beginning eight years after the Department of Ecology finds, after considering recommendations by a stakeholder advisory committee, that pads containing no more than 0.5 percent copper and meeting other requirements are available, sale of pads containing more than 0.5 percent copper is banned.
- Bans apply to sale by manufacturers, wholesalers, retailers, and distributors of pads and vehicles.

**ESSB 6658: MODIFYING COMMUNITY SOLAR PROJECT PROVISIONS FOR INVESTMENT COST RECOVERY INCENTIVES**

*Prime Sponsor: Senator Rockefeller*

*(HB 3104 Representative Rolfes)*

*\*Signed by the Governor*

- Only community solar projects capable of generating up to 75 kilowatts (kW) of electricity may receive cost-recovery incentive payments.
- LLCs, mutual corporations, and cooperatives which are not electric utilities may own community solar projects.
- All renewable energy systems participating in the cost recovery incentive program must be located in Washington.
- The total public utility tax credit, which an electric utility is allowed under the cost-recovery incentive program, is reduced from 1 percent of taxable sales to 0.5 percent.
- The incentive payments to participants in company-owned community solar projects are capped at 5 percent of the total public utility tax credits allowed under the program.

**SSB 6692: ALLOWING CERTAIN COUNTIES TO PARTICIPATE AND ENTER INTO OWNERSHIP AGREEMENTS FOR ELECTRIC GENERATING FACILITIES POWERED BY BIOMASS**

*Prime Sponsor: Senator Pridemore*

*\*Signed by the Governor*

- A county is eligible to own one biomass facility if the county has a PUD that: (1) owns and operates a combined-cycle, natural-gas turbine with a generating capacity of at least 240 MW; or (2) owns and operates a system for the generation, transmission, and distribution of electricity within the county.

**EHB 1653: CLARIFYING THE INTEGRATION OF SHORELINE MANAGEMENT ACT POLICIES WITH THE GROWTH MANAGEMENT ACT**

*Prime Sponsor: Representative Simpson;*

*(SB 5726 Senator Kline)*

*\*Signed by the Governor*

- Development regulations adopted under the Growth Management Act (GMA) to protect critical areas within shorelines continue to apply until the Department of Ecology (Ecology) approves a master program update, a segment of a master program relating to critical areas, or a new or amended master program under the Shoreline Management Act (SMA).
- Until Ecology approves these updates, a use or structure legally located within shorelines that was established or vested on or before the effective date of the local government's development regulations may continue as a conforming use and may be redeveloped or modified if it meets certain conditions.
- Upon approval by Ecology of a master program or critical area segment of a master program, critical areas within shorelines of the state are protected under the SMA and, with limited exceptions, are not subject to the procedural and substantive requirements of the GMA.
- The bill is curative in nature and applies retroactively to July 27, 2003.

**ESHB 2399: PROHIBITING AND PRESCRIBING PENALTIES FOR ENGAGING IN, OR ADVERTISING TO ENGAGE IN, SOLID WASTE COLLECTION WITHOUT A SOLID WASTE COLLECTION CERTIFICATE**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- Advertising, soliciting, offering, or agreeing to provide hauling of solid waste for compensation are activities requiring a certificate of public convenience and necessity issued by the Utilities and Transportation Commission. Each advertisement for unauthorized service displayed via a particular medium constitutes a separate violation, punishable as a gross misdemeanor.

**SHB 2515: REGARDING BIODIESEL FUEL LABELING REQUIREMENTS**

*Prime Sponsor: Representative Morris*

*\*Signed by the Governor*

- To provide flexibility in biodiesel labeling, fuel pumps offering five percent biodiesel blends or less must be labeled to indicate that the fuel "may contain up to five percent biodiesel." Labels for blends above five percent must state the percentage of biodiesel offered.

**SHB 2527: REGARDING THE ENERGY FACILITY SITE EVALUATION COUNCIL**

*Prime Sponsor: Representative Morris*

*(SSB 6471 Senator Fraser)*

*\*Signed by the Governor*

- The jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) is expanded to include nuclear facilities that primarily produce and sell electricity and certain biofuel refineries capable of processing more than 25,000 barrels per day.
- The deposits for EFSEC siting applications and compliance inspections are raised from \$45,000 to \$50,000 each.

**ESHB 2538: REGARDING HIGH-DENSITY URBAN DEVELOPMENT**

*Prime Sponsor: Representative Upthegrove*

*(SB 6720 Senator Fraser)*

*\*Signed by the Governor*

- Cities planning under the Growth Management Act may adopt optional subarea development elements or regulations for mixed use or urban centers.
- Cities choosing to adopt an optional subarea development element or regulations must prepare a nonproject environmental impact statement that assesses and discloses the probable significant adverse environmental impacts of the subarea development, or regulations, and future development within the subarea.

**E2SHB 2539: OPTIMIZING THE COLLECTION OF SOURCE SEPARATED MATERIALS**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- When updating solid waste management plans, local governments must plan for handling methods and services for recyclable materials and products.
- Upon the request of a county, the Utilities and Transportation Commission (UTC) may approve discounted rates and services for, or charges to, low-income senior customers and low-income customers.
- The UTC must allow a company collecting recyclable materials to retain up to 50 percent of the revenue received for recyclable materials, if the company has submitted a plan demonstrating how the revenue will be used to increase recycling.

**SHB 2661: REGARDING THE WASHINGTON STATE UNIVERSITY EXTENSION ENERGY PROGRAM'S PLANT OPERATIONS SUPPORT PROGRAM**

*Prime Sponsor: Representative Hudgins*

*(SSB 6283 Senator Rockefeller)*

*\*Signed by the Governor*

- The plant operations support program, which provides technical assistance to governments and non-profit organizations on physical plant operation and facilities maintenance, is transferred from the Department of General Administration to the WSU Energy Program.
- The WSU Energy Program may not enter into facilities design or construction contracts on behalf of state or local government agencies, tribal governments, or nonprofit organizations.

**HB 2676: EXTENDING THE PAY BACK PERIOD FOR CERTAIN ENERGY CONSERVATION LOANS**

*Prime Sponsor: Representative Chase*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The payback period for energy conservation loans provided by a public utility district or an irrigation district is extended from 120 months to 240 months.

**HB 2677: EXTENDING THE PAY BACK PERIOD FOR CERTAIN WATER CONSERVATION LOANS**

*Prime Sponsor: Representative Chase*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The payback period for water conservation loans provided by a municipal water distribution utility, county water distribution utility, or a water and sewer district is extended from 120 months to 240 months.

**SHB 2745: CONCERNING COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION AGENCY'S RENOVATION, REPAIR, AND PAINTING RULE IN THE LEAD-BASED PAINT PROGRAM**

*Prime Sponsor: Representative Hudgins*

*\*Signed by the Governor*

- Renovators who are compensated to renovate homes, schools, or child care centers built before 1978 must meet training and certification requirements.
- Dust sampling technicians for homes, schools, or child care centers built before 1978 must meet training and certification requirements.

**SHB 3105: ALLOWING THE DIRECTOR OF FINANCIAL MANAGEMENT TO INCLUDE ALTERNATIVE FUEL VEHICLES IN A STRATEGY TO REDUCE FUEL CONSUMPTION AND EMISSIONS FROM STATE AGENCY FLEETS**

*Prime Sponsor: Representative Rolfes*

*\*Signed by the Governor*

- When purchasing vehicles after June 15, 2010, state agencies must buy (1) petroleum-based fuel vehicles that achieve the current average fuel economy, or (2) ultra-low carbon fuel vehicles.
- State agencies should consider buying or converting to ultra-low carbon fuel vehicles when costs are comparable over the useful life of the vehicle.

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## **FINANCIAL INSTITUTIONS, HOUSING & INSURANCE**

**786-7408**

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### **SSB 6197: CONCERNING GROUP LIFE INSURANCE**

*Prime Sponsor: Senator Berkey*

*(SHB 2404 Representative Santos)*

*\*Signed by the Governor*

- The Insurance Commissioner has authority to allow the sale of group life insurance to groups other than the ten specifically described in statute.

### **SB 6219: FUNDING SOURCES FOR TIME CERTIFICATE OF DEPOSIT INVESTMENTS**

*Prime Sponsor: Senator Berkey*

*(HB 2463 Representative Kelley)*

*\*Signed by the Governor*

- Local Government Investment Pool funds are eligible to be deposited into the Time Certificate of Deposit (TCD) program for investment in public depositories.
- The State Treasurer may choose to deposit part of the funds that are certified as eligible for deposit into the TCD program, rather than having to deposit all of them.

### **SSB 6251: CONCERNING NONRESIDENT SURPLUS LINE BROKERS AND INSURANCE PRODUCERS**

*Prime Sponsor: Senator Benton*

*(SHB 2512 Representative Bailey)*

*\*Signed by the Governor*

- The Insurance Commissioner may recognize other states' licensing processes so that reciprocity is enhanced.
- Some service of legal process is allowed to be by electronic means.

### **ESB 6261: ADDRESSING UTILITY SERVICES COLLECTIONS AGAINST RENTAL PROPERTY**

*Prime Sponsor: Senator Marr*

*\*Signed by the Governor*

- When proper notice has been provided, a city or town is prohibited from collecting from the owner any charges for electric light or power services more than four months past due, when the utilities are in the residential tenant's name.
- If a utility account is in a tenant's name, the landlord is to provide the city or town with notice that the tenant has vacated the premises within 14 days. If the landlord fails to provide this notice, the electric light or power services are not limited to collecting up to four months of a tenant's delinquent charges.
- For multi-family rental units or rentals where the utilities are in the landlord's name and the landlord is delinquent in paying the utilities, the city or town must make reasonable efforts to notify the tenant of a pending disconnection and allow for the tenant to set up the utility account in his or her name.
- Additional provisions are added regarding the tenant's ability to set up a utility account in his or her own name where a landlord's payments are delinquent.

### **SSB 6298: AUTHORIZING LIMITED DEPOSITS OF PUBLIC FUNDS WITH CREDIT UNIONS**

*Prime Sponsor: Senator Berkey*

*\*Signed by the Governor*

- Credit unions may accept public deposits that total, for each public depositor, up to the lesser of \$100,000 or the maximum deposit insured by the federal deposit insurance program.

**ESSB 6306: REGULATING CROP ADJUSTERS**

*Prime Sponsor: Senator Schoesler*

*(SHB 2514 Representative Bailey)*

*\*Signed by the Governor*

- Crop adjusters are made subject to licensing requirements specifically pertaining to crop adjusting.
- Without this change to the insurance code, Washington's authority to regulate crop adjusters would be preempted by the federal Risk Management Agency on July 1, 2011.

**SSB 6327: EXEMPTING HOUSING AUTHORITIES FROM LAWS GOVERNING THE CONSTRUCTION, ALTERATION, REPAIR, OR IMPROVEMENT OF PROPERTY BY OTHER PUBLIC BODIES**

*Prime Sponsor: Senator Regala*

*(SSB 2517 Representative Dammeier)*

*\*SSB 6327 is incorporated in its entirety into EHB 1690.*

**SSB 6371: CONCERNING MONEY TRANSMITTERS**

*Prime Sponsor: Senator McDermott*

*(SHB 2636 Representative Santos)*

*\*Signed by the Governor*

- Activities of money transmitters concerning open-loop stored value devices are subject to regulation by the Department of Financial Institutions (DFI).
- DFI's annual assessments on licensed money transmitters are based on the dollar-volume of transactions rather than on the number of physical locations where each money transmitter does business.

**SB 6442: ELIMINATING THE PREVENT OR REDUCE OWNER-OCCUPIED FORECLOSURE PROGRAM ACCOUNT**

*Prime Sponsor: Senator Berkey*

*(ESSB 6444 Senators Prentice and Tom)*

*\*SB 6442 is incorporated in its entirety into the supplemental operating budget as a proviso in section 803.*

- Monies left unexpended in the Prevent or Reduce Owner-Occupied Foreclosure Program account are transferred to the Financial Education Public Private Partnership account no later than December 31, 2010.

**SSB 6459: CONCERNING THE INSPECTION OF RENTAL PROPERTIES**

*Prime Sponsor: Senator Hobbs*

*\*Signed by the Governor*

- Allows local municipalities to require landlords to provide a certificate of inspection of their rental property.
- Permits the issuance of a search warrant for the purpose of allowing a code enforcement official to inspect any specified premises to determine the presence of an unsafe building condition or a violation of any building regulation, statute, or ordinance.
- Creates penalties for noncompliance, falsifying information in a certificate of inspection, and obstructing an inspection pursuant to a search warrant.

**SSB 6544: EXTENDING THE TIME LIMITATIONS FOR APPROVAL OF PLATS**

*Prime Sponsor: Senator Berkey*

*\*Signed by the Governor*

- The five-year time periods during which the laws remain fixed as applicable to permit application for subdivision developments, are changed to seven-year time periods.

**HB 2419:                   MODIFYING THE EXEMPTION TO THE THREE-YEAR ACTIVE  
TRANSACTIONING REQUIREMENT FOR FOREIGN OR ALIEN  
INSURER APPLICANTS**

*Prime Sponsor: Representative Bailey*

*(SB 6198 Senator Berkey)*

*\*Signed by the Governor*

- The three-year seasoning requirement is waived if a new entrant into Washington's insurance market has surpluses of at least \$25 million and deposits \$1 million with the Insurance Commissioner for the sole benefit of the insurer's Washington policyholders.

**HB 2428:                   CONCERNING FEES FOR LOCATING SURPLUS FUNDS FROM  
COUNTY GOVERNMENTS, REAL ESTATE PROPERTY TAXES,  
ASSESSMENTS, AND OTHER GOVERNMENT LIEN  
FORECLOSURES OR CHARGES**

*Prime Sponsor: Representative Takko*

*\*Signed by the Governor*

- Excess proceeds held by counties from tax foreclosures and other liens, as well as from unclaimed refunds of taxes, fees, and county charges are covered under the Uniform Unclaimed Property Act.
- This limits to 5 percent the maximum fee that businesses can charge for locating these county-held funds on behalf of the owners of the monies.

**HB 2510:                   AUTHORIZING PUBLIC HOSPITAL DISTRICTS TO EXECUTE  
SECURITY INSTRUMENTS**

*Prime Sponsor: Representative Kelley*

*(SB 6300 Senator Hobbs)*

*\*Signed by the Governor*

- Public hospital districts may mortgage all of their property and revenue in connection with the issuance of bonds related to federal mortgage insurance.

**ESHB 2560:               REGULATING JOINT UNDERWRITING ASSOCIATIONS**

*Prime Sponsor: Representative Orwall*

*(ESB 6240 Senator Keiser)*

*\*Signed by the Governor*

- Through December 31, 2016, the Insurance Commissioner has authority to establish a Joint Underwriting Association (JUA) if the following condition is met: a Market Assistance Plan finds that there are fewer than four insurers that voluntarily offer excess flood insurance to the Kent Valley. The Kent Valley is temporarily under increased threat of flooding due to failure or intentional spillage from an Army Corps of Engineers' dam in King County. (Howard Hanson Dam and Mud Mountain Dam)
- The JUA, if formed, provides excess flood and business interruption insurance for property at risk from the potential flooding described above.
- Only business insurers must participate in the JUA. Their participation is mandatory if they wish to continue to do business in this state.
- In the event of a catastrophic flood in the location covered by the JUA, all participating insurers are assessed to pay claims that are in excess of the premiums collected.
- The premiums must be set by the governing board of the JUA based on accepted actuarial principals and must be approved by the Insurance Commissioner.
- The liability of the JUA is limited to a maximum of \$250 million and each policy is limited to a maximum of \$5 million.
- No funds of the state or any of its subdivisions are at risk.
- A JUA may operate for five years. Thereafter, it must be dissolved unless it is re-authorized by the Legislature.

**ESHB 2564: REGARDING ESCROW AGENTS**

*Prime Sponsor: Representative Nelson*

*(SB 6405 Senator Berkey)*

*\*Signed by the Governor*

- Owners and corporate officers of escrow companies must have bonds that cover their own malfeasance.
- Provisions for the Department of Financial Institutions (DFI) winding up the business of an escrow company are clarified, resulting in less expensive and time-consuming receiverships.
- DFI has authority to require the licensed escrow company to pay restitution to the injured customer.

**SHB 2585: ADDRESSING INSURANCE STATUTES, GENERALLY**

*Prime Sponsor: Representative Kelley*

*(SB 6253 Senator Benton)*

*\*Signed by the Governor*

- This is the Insurance Commissioner's annual clean-up bill. Among other corrections, it ensures that both plans F of the Medicare supplement are available to Washington residents.
- Charitable gift annuity companies use matching fiscal and reporting years.

**HB 2608: CONCERNING REGULATION AND LICENSING OF RESIDENTIAL MORTGAGE LOAN SERVICERS AND SERVICES**

*Prime Sponsor: Representative Nelson*

*(SB 6406 Senator Franklin)*

*\*Signed by the Governor*

- Requires licensure of residential loan services and persons performing residential loan modifications.

**2SHB 2623: REVIEWING THE FORECLOSURE OF RESIDENTIAL REAL PROPERTY**

*Prime Sponsor: Representative Orwall*

*(SB 6694 Senator Gordon)*

*\*2SHB 2623 is incorporated in its entirety into the supplemental operating budget, ESSB 6444, as a proviso in section 903.*

**EHB 2830: ADDRESSING CREDIT UNION REGULATORY ENFORCEMENT POWERS**

*Prime Sponsor: Representative Simpson*

*(SB 6369 Senator Berkey)*

*\*Signed by the Governor*

- The Department of Financial Institutions' (DFI) oversight of credit unions and regulatory enforcement tools for credit unions in financial difficulties are modernized and coordinated with federal authority.
- DFI has authority to intervene in credit union business before the credit union has completely depleted its value, so as to enable the potential rehabilitation of more credit unions.
- DFI has basic regulatory authority over private share insurance.

**EHB 2831: REGULATING STATE-CHARTERED COMMERCIAL BANKS, TRUST COMPANIES, SAVINGS BANKS, AND THEIR HOLDING COMPANIES**

*Prime Sponsor: Representative Simpson*

*(SB 6370 Senator Berkey)*

*\*Signed by the Governor*

- Department of Financial Institutions' (DFI) regulatory statutes are modernized to facilitate effective responses to current and future banking events and to complement federal banking regulation.
- DFI has enforcement authority over bank holding companies.

**ESHB 2842: ADDRESSING CONFIDENTIALITY AS IT RELATES TO INSURER RECEIVERSHIP**

*Prime Sponsor: Representative Parker*

*\*Signed by the Governor*

- A recent Superior Court case held that records of failing insurance companies held in receivership by the Office of Insurance Commissioner (OIC) are public records.
- This holding is reversed, reestablishing prior, longstanding judicial confidentiality of receivership records held by the OIC.

**ESHB 3032: DEFINING NORMAL WEAR AND TEAR FOR A MOTOR VEHICLE FOR THE PURPOSE OF A SERVICE CONTRACT**

*Prime Sponsor: Representative Simpson*

*(SB 6624 Senator Berkey)*

*\*Signed by the Governor*

- Insurance that is sold to protect tires and wheels from road hazards must comply with the insurance code, including registration with the Insurance Commissioner and proof of financial responsibility.

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## GOVERNMENT OPERATIONS & ELECTIONS

786-7432

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**ESB 5041: ENCOURAGING STATE CONTRACTS WITH VETERAN-OWNED BUSINESSES**

*Prime Sponsor: Senator Kilmer*

*(HB 1648 Representative Hope)*

*\*Signed by the Governor*

- Creates a statewide program to increase procurement contracts with veteran-owned businesses.
- State agencies are encouraged to award 3 percent of all procurement contracts under \$35,000 to veteran-owned businesses.

**SSB 5295: IMPLEMENTING UNANIMOUS RECOMMENDATIONS OF THE PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- Unanimous recommendations of the Sunshine Committee from 2008 are adopted which address public records exemptions related to the following issues: Child mortality review, agricultural exemptions, wellness programs, candidate lists for specific boards, transit passes, criminal history record checks, and maritime employees.

**ESSB 5704: CONCERNING CREATION OF A FLOOD CONTROL DISTRICT BY THREE OR MORE COUNTIES**

*Prime Sponsor: Senator Swecker*

*\*Signed by the Governor*

- Flood control districts that contain three or more counties must have a governing body comprised of one member from each county and two additional members.
- The legislative authority of each county will select one member for initial appointment. The two most populous counties will each choose an additional member; however, no more than two members may be from the same county.
- The appointed or elected member must be a registered voter of the district and must reside in the district at least 30 days before the election.
- Land ownership, however, is not a requirement for serving on the governing body of the flood control district.

**SSB 6214: RESTRUCTURING THREE GROWTH MANAGEMENT HEARINGS BOARDS INTO ONE BOARD**

*Prime Sponsor: Senator Haugen*

*(HB 2442 Representative Simpson)*

*\*Signed by the Governor*

- Consolidates the powers, duties, and functions of the three regional growth management hearings boards into a single Growth Management Hearings Board (Board).
- Specifies that petitions for review before the consolidated Board must be heard and decided by a regional panel of three board members.
- Reduces the total number of Board members from nine to seven.

**SB 6243: ELIMINATING PROVISIONS FOR FILINGS AT LOCATIONS OTHER THAN THE PUBLIC DISCLOSURE COMMISSION**

*Prime Sponsor: Senator Fairley*

*(HB 2467 Representative Hunt)*

*\*Signed by the Governor*

- Eliminates the requirement that candidates and political committees file campaign related reports and statements with their local county auditor in addition to the Public Disclosure Commission.

**SB 6285: CONCERNING CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR COUNTY OFFICE IN A NONCHARTER COUNTY**

*Prime Sponsor: Senator Sheldon*

*\*SB 6285 is incorporated in its entirety into SSB 6344.*

**ESB 6287: CONCERNING ANNEXATION OF A CITY, PARTIAL CITY, OR TOWN TO A FIRE PROTECTION DISTRICT**

*Prime Sponsor: Senator Fraser*

*(HB 2611 Representative Williams)*

*\*Signed by the Governor*

- All property located within the boundaries of a city, partial city, or town annexing into a fire protection district which is subject to an excess levy by the city or town for the repayment of debt incurred for fire protection related capital improvements that incurred prior to the annexation is exempt from voter-approved property taxes levied by the annexing fire protection district for the repayment of indebtedness issued prior to the effective date of the annexation.

**SB 6288: AUTHORIZING COUNTIES, CITIES, AND TOWNS TO REQUEST BACKGROUND CHECKS FOR CERTAIN LICENSE APPLICANTS AND LICENSEES**

*Prime Sponsor: Senator Pridemore*

*(HB 2437 Representative Moeller)*

*\*Signed by the Governor*

- Local governments may, by ordinance, require a state and federal background investigation of license applicants or licensees in occupations for which the local government has licensing authority.

**SSB 6327: EXEMPTING HOUSING AUTHORITIES FROM LAWS GOVERNING THE CONSTRUCTION, ALTERATION, REPAIR, OR IMPROVEMENT OF PROPERTY BY OTHER PUBLIC BODIES**

*Prime Sponsor: Senator Regala*

*(SSB 2517 Representative Dammeier)*

*\*SSB 6327 is incorporated in its entirety into EHB 1690.*

**SSB 6342: CONCERNING THE WASHINGTON SOLDIERS' HOME**

*Prime Sponsor: Senator Swecker*

*(HB 2720 Representative Armstrong)*

*\*Signed by the Governor*

- The Washington State Department of Veteran Affairs is authorized to work with public or private entities on projects that utilize the property and facilities of the Washington Soldiers' Home.
- The projects include, but are not limited to, renovation and long-term lease of the Garfield Barracks building.
- Long-term leases are subject to state agency real estate regulations under RCW 43.82.010 with the exception that the lease term of the soldiers' home property may run for up to 75 years.

**SSB 6344: CONCERNING CAMPAIGN CONTRIBUTION LIMITS**

*Prime Sponsor: Senator Fairley*

*\*Signed by the Governor*

- The list of public offices requiring campaign contribution limits is expanded to include all charter county, noncharter county, city council, and mayoral offices.
- Contributions from an individual, union or business, or a political action committee may not in the aggregate exceed \$800 per election to a candidate for such offices.
- Political party contributions are limited to .80 cents per registered voter in the candidate's jurisdiction for an election cycle.
- These dollar amounts are adjusted for inflation by the Public Disclosure Commission every even-numbered calendar year.

*\*SB 6285 is incorporated in its entirety into SSB 6344.*

- Campaign contribution limits are established for noncharter county elective offices.
- The campaign contribution limits correlate with the statutory limits currently applied to legislative and county offices.

**SSB 6367: ALLOWING AGENCIES TO DIRECT REQUESTERS TO THEIR WEB SITE FOR PUBLIC RECORDS**

*Prime Sponsor: Senator Hatfield*

*(SHB 2582 Representative Hurst)*

*\*Signed by the Governor*

- In addition to providing a record in response to a public records request, the agency may provide an Internet address and link on the agency's website to the specific records requested.
- If the requester informs the agency that he or she cannot access records through the Internet, the agency must provide hard copies or allow the requester to view copies on an agency computer.

**SB 6401: CONCERNING AN ALTERNATIVE PROCESS FOR SELECTING AN ELECTRICAL CONTRACTOR OR A MECHANICAL CONTRACTOR, OR BOTH, FOR GENERAL CONTRACTOR/CONSTRUCTION MANAGER PROJECTS**

*Prime Sponsor: Senator Brandland*

*(HB 2675 Representative Haigh)*

*\*Signed by the Governor*

- Establishes an alternative selection process for selecting mechanical or electrical subcontractors for general contractor/construction manager projects.
- The process may only be used for the selection of a mechanical subcontractor, an electrical contractor, or both, and when the anticipated value of the subcontract will exceed \$3 million.

**SB 6418: REGARDING CITIES AND TOWNS ANNEXED TO FIRE PROTECTION DISTRICTS**

*Prime Sponsor: Senator Marr*

*(HB 2843 Representative Ormsby)*

*\*Signed by the Governor*

- The requirement that fire protection districts be authorized in areas outside of cities and towns, except where the cities and towns have been annexed into a fire protection district or where the district is continuing service, is removed.
- A city or town adjacent to a district may be annexed into such a district provided the population of the city or town does not exceed 300,000.

**SB 6540: TRANSFERRING THE COMBINED FUND DRIVE FROM THE DEPARTMENT OF PERSONNEL TO THE SECRETARY OF STATE**

*Prime Sponsor: Senator Fairley*

*(HB 2902 Representative Hunt)*

*\*Signed by the Governor*

- The Combined Fund Drive is transferred from the Department of Personnel to the Office of the Secretary of State.
- All powers, duties, and functions related to the Combined Fund Drive are transferred from the Department of Personnel to the Office of the Secretary of State.

**SSB 6611: EXTENDING THE DEADLINES FOR THE REVIEW AND EVALUATION OF COMPREHENSIVE LAND USE PLAN AND DEVELOPMENT REGULATIONS FOR THREE YEARS AND ADDRESSING THE TIMING FOR ADOPTING CERTAIN SUBAREA PLANS**

*Prime Sponsor: Senator Pridemore*

*(HB 2992 Representative Simpson)*

*\*Signed by the Governor*

- A new recurring seven-year review and revision schedule for comprehensive land use plans and development regulations is adopted under the Growth Management Act (GMA).
  - Amendments to a comprehensive land use plan and development regulations may be considered more frequently than annually for the development of an initial subarea plan for economic development located outside the 100-year floodplain in a county that meets certain requirements.
- \*HB 2411 is incorporated in its entirety into SB 6611, as described below:*
- Requirements applicable to subareas in provisions of the GMA that generally prohibit comprehensive plan amendments from occurring more frequently than annually are modified.

**SSB 6688: CONCERNING FILLING VACANCIES IN NONPARTISAN ELECTIVE OFFICE**

*Prime Sponsor: Senator Fairley*

*\*Signed by the Governor*

- New requirements are established for filling vacancies in a nonpartisan county board of commissioners' elective office and nonpartisan county council elective office.
- A nonpartisan executive or nonpartisan chair must nominate three candidates to fill the vacancy.
- The appointed candidate must be from the same legislative district, county, or county commissioner or council district as the county elective officer whose office was vacated.
- The county legislative authority must select a candidate to fill the vacancy from the list of nominees provided by the nonpartisan executive or nonpartisan chair.
- The county legislative authority must appoint a candidate within 60 days from when the office is vacated.
- If the county legislative authority fails to appoint a candidate within the 60-day limit, the Governor will have 30 days to select a candidate from the list of nominees.

**SB 6695: ESTABLISHING THE NUMBER OF DAYS OF SHARED LEAVE AN EMPLOYEE IS ELIGIBLE TO RECEIVE**

*Prime Sponsor: Senator Fraser*

*(HB 3063 Representative Hunt)*

*\*SB 6695 is incorporated in its entirety into ESSB 6724.*

**ESSB 6724: ADDRESSING THE SHARED LEAVE PROGRAM**

*Prime Sponsor: Senator Kilmer*

*(HB 3081 Representative Seaquist)*

*\*Signed by the Governor*

- Employees of a school district or educational service district are authorized to share leave with employees in another agency.
- \*SB 6695 is incorporated in its entirety into ESSB 6724, as described below.*
- An employee may receive up to 522-days of shared leave.
- Employers may grant leave above the 522-day cap in extraordinary circumstances if an employee suffers from severe illness, injury, impairment, or physical or mental conditions.

**HB 1080: ALLOWING IMPACT FEES TO BE USED FOR ALL FIRE PROTECTION FACILITIES**

*Prime Sponsor: Representative Simpson*

*\*Signed by the Governor*

- Modifies the definition of public facilities for which impact fees may be collected and spent to include all fire protection facilities, rather than only fire protection facilities in jurisdictions that are not part of a fire district.

**E2SHB 1317: REGARDING THE DISCLOSURE OF PUBLIC RECORDS CONTAINING INFORMATION USED TO LOCATE OR IDENTIFY EMPLOYEES OF CRIMINAL JUSTICE AGENCIES**

*Prime Sponsor: Representative Kessler*

*\*Signed by the Governor*

- Exempts the photographs, and month, and year of birth information in personnel files of criminal justice employees and workers from disclosure under the Public Records Act.
- Authorizes the news media access to the full date of birth and photographs of criminal justice employees.
- Persons in the custody of a criminal justice agency are not considered to be the news media for the purposes of this act.

**EHB 1690: CONCERNING PUBLIC WORKS PROJECTS**

*Prime Sponsor: Representative Hasegawa*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- All public entities, including the University of Washington, must use the alternative public works contracting procedures specifically authorized in chapter 39.10 RCW.
- The Capital Projects Advisory Review Board (CPARB) may not approve demonstration projects. Instead, CPARB must submit recommendations to the appropriate committees of the Legislature for evaluation and approval of alternative contracting procedures that are not authorized under this chapter.
- \*SB 6327 is incorporated in its entirety into EHB 1690, as described below:*
- All housing authorities are subject to the provisions of chapter 39.10 RCW except where alternative requirements or procedures of federal law or federal regulation are authorized.
- Prevailing wage requirements apply to housing authority public works projects unless specifically preempted by federal law or regulation.

**2SHB 1761: ADDRESSING THE ETHICAL USE OF LEGISLATIVE WEB SITES**

*Prime Sponsor: Representative Hasegawa*

*\*Signed by the Governor*

- Authorizes the maintenance of official legislative websites without alteration through the year, regardless of pending elections.
- The official legislative websites of legislators seeking reelection must not be altered between June 30 and November 15 of the election year.

**2EHB 1876: PROVIDING FUNDS FOR DISABLED VETERANS THROUGH VOLUNTARY DONATIONS**

*Prime Sponsor: Representative McCune*

*\*Signed by the Governor*

- Creates the Disabled Veterans Assistance Account in the custody of the State Treasurer. Disbursement of funds must be on the authorization of the Director of the Department of Veterans Affairs (DVA) or the designee.
- All money deposited into the account must be used by the DVA for activities that benefit veterans, including, but not limited to, providing programs and services that assist veterans.
- Any retailer in the state may provide an opportunity for patrons to make voluntary donations to the Disabled Veterans Assistance Account on Veteran's Day and any additional days the retailer decides would be appropriate.

**HB 1880: CONCERNING BALLOT ENVELOPES**

*Prime Sponsor: Representative Armstrong*

*\*Signed by the Governor/partial veto*

- County auditors are no longer required to provide envelopes that have a privacy flap attached to cover the voter's signature and optional telephone number.
- ~~The bill contains an emergency clause and takes effect immediately.~~ (PV)

**2SHB 2016: CONCERNING CAMPAIGN CONTRIBUTION AND DISCLOSURE LAWS**

*Prime Sponsor: Representative Flannigan*

*\*Signed by the Governor/partial veto*

- Reorganizes and recodifies chapter 42.17 RCW.
- ~~Section 309 (amending RCW 42.17.450), Section 412 (amending RCW 42.17.100), and Section 415 (amending RCW 42.17.550) amend sections addressed in Senate Bill 6243.~~ (PV)
- Requires the listing of the controlling entity for independent expenditures and electioneering communications if the sponsor is a political committee.
- Allows bona fide political parties to use exempt funds for independent expenditures and electioneering communications.
- *\*SHB 2994 is incorporated in its entirety into 2SHB 2016, as described below.*
- Limits certain uses of public service announcements that include a state-elected official or municipal officer who is a candidate for office.

**SHB 2403: CONCERNING MILITARY LEAVE FOR PUBLIC EMPLOYEES**

*Prime Sponsor: Representative Morrell*

*(SB 6196 Senator Hobbs)*

*\*Signed by the Governor*

- Military leave of absence is granted so that the member, reservist or National Guard, may report for required military duty, training, or drills.
- The officer or employee can only be charged military leave for days the officer or employee is scheduled to work for the state or the county, city, or other political subdivision.

**HB 2406: CONCERNING THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

*Prime Sponsor: Representative Kelley*

*(SB 6191 Senator Parlette)*

*\*Signed by the Governor*

- Members of the Joint Legislative Audit and Review Committee (JLARC) serve for two years, ending two years from the date of appointment or when a member is no longer a member of the house from which that member was appointed, in which case the member continues to serve until a successor is appointed.

- JLARC's biennial work plan may be modified at the conclusion of other legislative sessions to reflect actions taken by the Legislature and JLARC. Work plans must also consider whether an assignment for JLARC to conduct a performance audit has been mandated in legislation.
- JLARC's authority to access any confidential records needed to discharge the joint committee's performance audit duties is clarified.

**HB 2411: ADDRESSING SUBAREA PLAN PROPOSALS AS PART OF COMPREHENSIVE LAND USE PLANNING**

*Prime Sponsor: Representative Simpson*

*\*HB 2411 is incorporated in its entirety into SSB 6611.*

**HB 2490: CONCERNING PERSONS WITH INTELLECTUAL DISABILITIES**

*Prime Sponsor: Representative Angel*

*\*Signed by the Governor*

- The RCW is updated to remove the term individuals with mental retardation and replace it with individuals with intellectual disabilities.
- Nothing in this act may be construed to change the application of any provision of the RCW to any person.

**ESHB 2496: MODIFYING BALLOT DESIGN PROVISIONS**

*Prime Sponsor: Representative White*

*\*Signed by the Governor*

- Election ballots are required to have a clear delineation between the instructions and where the voting begins.
- The delineation may be through the use of white space, illustration, shading, color, symbol, font size, or bold type.
- The Secretary of State is required to establish standards for ballot design and layout consistent with this act and RCW 29A.04.611.

**HB 2575: EXPANDING THE MEMBERSHIP OF THE CAPITAL PROJECTS ADVISORY REVIEW BOARD**

*Prime Sponsor: Representative Uptegrove*

*(SB 6278 Senator McDermott)*

*\*Vetoed by the Governor*

- ~~Expands the membership of the Capital Projects Advisory Review Board to 24 members. The additional member represents local public owners.~~
- ~~Regional transit authorities are added as an entity that selects the local public owners representatives. (Vetoed in its entirety)~~

**SHB 2704: TRANSFERRING THE WASHINGTON MAIN STREET PROGRAM TO THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

*Prime Sponsor: Representative Takko*

*(SB 6507 Senator Hobbs)*

*\*Signed by the Governor*

- The administration of the Washington Main Street Program is moved from the Department of Commerce to the Department of Archeology and Historic Preservation.

**HB 2707: CONCERNING THE METHOD OF CALCULATING PUBLIC UTILITY DISTRICT COMMISSIONER COMPENSATION**

*Prime Sponsor: Representative Simpson*

*\*Signed by the Governor*

- Changes the statutorily established monthly salaries for public utility district (PUD) commissioners to statutory amounts equal to the maximum amount currently authorized by a combination of the previous statutory amount and a resolution of the commission.
- Removes provisions authorizing PUD commissioners to increase monthly compensation through resolution.
- Includes provisions for inflation adjustments for salaries and per diem compensation of PUD commissioners as determined by the Office of Financial Management.

**HB 2740: REGARDING THE DEFINITION OF LAND USE DECISION IN THE LAND USE PETITION ACT**

*Prime Sponsor: Representative Seaquist*

*\*Signed by the Governor*

- A land use decision occurs on the date a decision is entered on the motion for reconsideration and not on the date of the original decision.

**HB 2748: CONCERNING DUES PAID TO THE WASHINGTON PUBLIC PORTS ASSOCIATION BY PORT DISTRICTS**

*Prime Sponsor: Representative Simpson*

*\*Signed by the Governor*

- Removes the statutory limit for annual Washington Public Ports Association membership dues.

**SHB 2775: REGARDING MEMBERSHIP ON THE STATE BUILDING CODE COUNCIL**

*Prime Sponsor: Representative Dammeier*

*\*Signed by the Governor*

- Requires any State Building Code Council member who is appointed to represent a specific private sector industry to maintain sufficiently similar employment or circumstances throughout the term in office to remain qualified to represent the specific industry.
- A member must notify the Governor within 30 days of the date the member no longer qualifies for appointment on the council.
- A member may remain on the council as an ex officio, non-voting member until a replacement member is appointed.

**ESHB 2925: CONCERNING IMPACT PAYMENTS OF A MUNICIPALLY OWNED HYDROELECTRIC FACILITY**

*Prime Sponsor: Representative Kretz*

*(SB 6480 Senator Morton)*

*\*Signed by the Governor/partial veto*

- A city with a population exceeding 500,000 or its municipal utility, that has hydroelectric or other electricity generating projects located in another county, must provide financial compensation for impacts of lost revenue and the welfare of the county, by contributing to the support of the county and the school district of that county.
- A city must continue to make compensation payments and also pay for any arrearages in the event the compensation contract/agreement expires.
- The county or the city may initiate arbitration in the event the county and the city, or its municipal utility, are unable to reach a new compensation agreement following the expiration of a previous contract or agreement.
- ~~The bill contains an emergency clause.~~ (PV)

**SHB 2962: ALLOWING COUNTY TREASURERS TO USE ELECTRONIC BILL PRESENTMENT AND PAYMENT THAT INCLUDES AN AUTOMATIC ELECTRONIC PAYMENT OPTION FOR PROPERTY TAXES**

*Prime Sponsor: Representative Probst*

*(SSB 6768 Senator Pridemore)*

*\*Signed by the Governor*

- Authorizes county treasurers to, with taxpayer approval, collect taxes, assessments, fees, rates, and charges by electronic bill presentment and payment.
- Defines electronic bill presentment and payment as statements, invoices, or bills that are created, delivered, and paid using the Internet.
- Specifies that electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for prepayments, and that all prepayments must be paid in full by the applicable April 30 or October 31 due date.

**ESHB 2986: REQUIRING THE APPOINTMENT OF NONVOTING LABOR MEMBERS TO PUBLIC TRANSPORTATION GOVERNING BODIES**

*Prime Sponsor: Representative Simpson*

*\*Signed by the Governor*

- One nonvoting labor member must be included in the governing body of the following three public transportation systems: (1) a metropolitan transit commission; (2) a county transportation authority; and (3) a public transportation benefit area (PTBA).
- The nonvoting member will be recommended by the labor organization representing the employees in each respective district. If more than one labor organization represents the public transportation employees, all such labor organizations must select the nonvoting member by majority vote.
- The nonvoting member must be excluded from attending any portion of an executive session discussing negotiations with labor organizations.
- The chair or co-chair of the governing body may also exclude the nonvoting member from any other executive session.

**SHB 2990: ADDRESSING ALTERNATIVE CITY ASSUMPTION AND TAX AUTHORITY PROVISIONS PERTAINING TO WATER-SEWER DISTRICTS**

*Prime Sponsor: Representative Pettigrew*

*\*Signed by the Governor*

- Under certain circumstances, a city may impose a tax upon the gross revenues of a water-sewer system operating within its boundaries.
- A city that imposes this tax and adopts a resolution to assume all or part of the district is required to complete a feasibility study regarding the assumption and may not assume jurisdiction over all or part of the district without the approval of the voters residing within the district.
- The act applies only to those cities meeting specified population requirements which are located in a county with a population of at least 1.5 million. Currently, Renton is the only city that meets the criteria.
- The act expires on January 1, 2015.

**SHB 2994: PROHIBITING PUBLIC SERVICE ANNOUNCEMENTS BY ELECTED OFFICIALS DURING REELECTION CAMPAIGNS**

*Prime Sponsor: Representative Appleton*

*\*SHB 2994 is incorporated in its entirety into 2SHB 2016.*

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## **HEALTH & LONG-TERM CARE**

**786-7456**

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### **SSB 5798: CONCERNING MEDICAL MARIJUANA**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 2046 Representative Darneille)*

*\*Signed by the Governor*

- Health care professionals (physicians, osteopathic physicians, physician assistants, osteopathic physician assistants, naturopaths, and advanced registered nurse practitioners) provide the valid documentation which authorizes the medical use of marijuana.
- Valid documentation must be a signed and dated statement by the health care professional on tamper resistant paper.

### **SB 6227: CONCERNING THE PRACTICE OF OPTICIANRY**

*Prime Sponsor: Senator Becker*

*(HB 2462 Representative Green)*

*\*Signed by the Governor*

- Students in an approved opticianry program are permitted to practice under the supervision of an optician, optometrist, or ophthalmologist as long as they are identified as students.

### **SSB 6248: CONCERNING THE USE OF BISPHENOL A**

*Prime Sponsor: Senator Keiser*

*(2SHB 1180 Representative Dickerson)*

*\*Signed by the Governor*

- Banned as of July 1, 2011, any bottle, cup, or other container, except a metal container, made with bisphenol A and designed to be filled with any liquid, food, or beverage primarily for use by children under age three.
- Banned as of July 1, 2012 any sports bottle made with bisphenol A, that is a resealable, reusable container, 64 ounces or less in size, sold empty and intended to be filled with a beverage for consumption.
- No manufacturer, wholesaler, or retailer may sell these products after the ban takes effect. Violations are subject to civil penalties of up to \$5,000 per initial violation, up to \$10,000 for each repeated offense.

### **SSB 6273: REGARDING INSURANCE COVERAGE OF THE SALES TAX FOR PRESCRIBED DURABLE MEDICAL EQUIPMENT AND MOBILITY ENHANCING EQUIPMENT**

*Prime Sponsor: Senator Swecker*

*(HB 2673 Representative Williams)*

*\*Signed by the Governor*

- Insurance carriers that include coverage for prescribed durable medical equipment and mobility enhancing equipment must include the sales tax or use tax calculation in their plan payment.
- The payment must reflect the negotiated provider agreement for the prescribed equipment and separately identify the tax if the provider submitting a claim or invoice indicates the geographically adjusted sales tax.
- The tax calculation must be consistent with the sales tax requirements established in RCW 82.08 and the use tax requirements in RCW 82.12.

### **SSB 6280: CONCERNING EAST ASIAN MEDICINE PRACTITIONERS**

*Prime Sponsor: Senator Murray*

*\*Signed by the Governor*

- The state's professional designation of acupuncturist is changed to East Asian medicine practitioner.
- Certain techniques are added to the scope of practice.
- Provisions are made to allow treatment of a patient with a potentially serious disorder if the patient signs a specific waiver.

**SB 6297:                   REGARDING CERTIFICATION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS**

*Prime Sponsor: Senator Franklin*

*(HB 2803 Representative Clibborn)*

*\*Signed by the Governor*

- Speech-language pathology assistant applicants wishing to qualify for certification by meeting the supervised employment hours can do so if they meet this requirement within one year of July 1, 2010.
- The Board of Hearing and Speech has authority to establish standards for certification and discipline of speech-language pathology assistants.

**SB 6487:                   REPEALING THE EXPIRATION OF THE FAIR PAYMENT FOR CHIROPRACTIC SERVICES REQUIREMENT**

*Prime Sponsor: Senator Franklin*

*(HB 2815 Representative Cody)*

*\*Signed by the Governor*

- Repeals the June 2013 expiration date included in 2008 legislation requiring that insurance carriers pay chiropractors the same as other providers for the same codes.

**ESSB 6522:               ESTABLISHING THE ACCOUNTABLE CARE ORGANIZATION PILOT PROJECTS**

*Prime Sponsor: Senator Pflug*

*\*Signed by the Governor*

- The Health Care Authority must appoint a lead organization by January 1, 2011, to support at least two accountable care organization pilot projects.
- The pilot projects will be implemented no later than January 2012, and will coordinate with current medical home projects around the state.
- A report from the lead organization is due back to the Legislature by January 1, 2013.

**ESSB 6538:               DEFINING SMALL GROUPS FOR INSURANCE PURPOSES**

*Prime Sponsor: Senator Keiser*

*\*Signed by the Governor*

- The definition of small groups for insurance purposes is changed to groups of one to 50 employees, including self-employed and sole proprietors.
- The change is effective 180 days after federal legislation is passed and signed providing guaranteed issue for the individual market, if no legislation passes by December 31, 2010, the small group size change is null and void.

*\*SHB 2997 is incorporated in its entirety into ESSB 6538, as described below:*

- The small group census date is established in statute to allow insurance carriers to provide a firm quote reflecting the group census in advance of the effective date of coverage. Groups renewing coverage with the existing carrier will have a census date of 90 days prior to the effective date, and new groups will have a census date that reflects the date the final group composition is received.

**ESSB 6582:               CONCERNING NURSING ASSISTANT CREDENTIALING**

*Prime Sponsor: Senator Keiser*

*(HB 2766 Representative Cody)*

*\*Signed by the Governor*

- The Nursing Care Quality Assurance Commission will adopt criteria for evaluating an applicant's alternative training to determine eligibility to take the nursing assistant certification competency evaluation. One option must allow for an applicant to take the competency evaluation if the applicant meets specified certification and training equivalents.

**SSB 6584: MONITORING AND REPORTING CUSTOMER COMPLAINTS AND APPEALS TO THE STATE HEALTH CARE AUTHORITY**

*Prime Sponsor: Senator Fraser*

*(HB 2895 Representative Cody)*

*\*Signed by the Governor*

- Beginning in 2011, the Health Care Authority must capture customer service complaints and require contracting health plans to submit a summary of customer service complaints and appeals, and annually submit a summary report to the Legislature with an analysis of any trends.

**SB 6627: AUTHORIZING WASHINGTON PHARMACIES TO FILL PRESCRIPTIONS WRITTEN BY ADVANCED REGISTERED NURSE PRACTITIONERS IN OTHER STATES OR IN CERTAIN PROVINCES OF CANADA**

*Prime Sponsor: Senator Marr*

*(HB 2757 Representative Morrell)*

*\*Signed by the Governor*

- Pharmacists are authorized to accept prescriptions written by a licensed advanced registered nurse practitioner in any province of Canada or state of the United States that shares a common border with Washington.

**SSB 6884: CONCERNING THE PRACTICE OF COUNSELING**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- For the purpose of credentialing, agency affiliated counselors will now include juvenile probation officers and juvenile court employees who provide evidence based programs approved by the juvenile rehabilitation administration of the Department of Social and Health Services.

**ESHB 1714: CONCERNING ASSOCIATION HEALTH PLANS**

*Prime Sponsor: Representative Cody*

*\*Signed by the Governor*

- The Office of the Insurance Commissioner must gather information on the performance of the small group market and association health plan market for calendar years 2005 through 2008. The data must be aggregated and not identify specific small groups or association health plans.
- The analysis and report must be submitted to the Legislature by October 1, 2011.

**2SHB 2396: REGARDING EMERGENCY CARDIAC AND STROKE CARE**

*Prime Sponsor: Representative Morrell*

*\*Signed by the Governor*

- A statewide emergency cardiac and stroke care system is authorized.
- Hospitals voluntarily designate the level of emergency cardiac and stroke care they provide.
- Hospital levels must adhere to guidelines set out by the Emergency Cardiac and Stroke Technical Advisory Committee.
- Hospitals may be designated as primary stroke centers with a certification from the Joint Commission.
- By December 1, 2012, the Department of Health must share a report on emergency cardiac services with the Legislature.

**SHB 2430: CONCERNING CARDIOVASCULAR INVASIVE SPECIALISTS**

*Prime Sponsor: Representative Morrell*

*\*Signed by the Governor*

- A new type of certification is created for radiologic technologists, called a cardiovascular invasive specialist.
- Certification requires completion of a cardiovascular invasive specialist program, successful completion of an examination, and good moral character.

**SHB 2443: CONFORMING THE UNIFORM CONTROLLED SUBSTANCES ACT TO EXISTING STATE AND FEDERAL LAW**

*Prime Sponsor: Representative Erickson*

*(SSB 6224 Senator Keiser)*

*\*Signed by the Governor*

- State laws are updated to conform to federal law changes made since 1994.

**HB 2521: ADDRESSING CONVERSION RIGHTS UPON TERMINATION OF ELIGIBILITY FOR HEALTH PLAN COVERAGE**

*Prime Sponsor: Representative Driscoll*

*(SB 6269 Senator Keiser)*

*\*Signed by the Governor*

- Beginning January 1, 2011, all group medical insurance policies must allow an individual 31 days from the termination of coverage or 31 days from the date the person receives notice of the termination of coverage, whichever is later, to purchase conversion coverage.

**HB 2540: CONCERNING THE PRACTICE OF DENTISTRY**

*Prime Sponsor: Representative Cody*

*(SB 6264 Senator Keiser)*

*\*Signed by the Governor*

- The expiration date for the law that allows a dentist who has practiced in another state for four years and completed a one-year postdoctoral residency to practice in Washington State is eliminated.

**2SHB 2551: ESTABLISHING THE WASHINGTON VACCINE ASSOCIATION**

*Prime Sponsor: Representative Cody*

*(ESB 6263 Senator Keiser)*

*\*Signed by the Governor*

- Creates the Washington Vaccine Association as a nonprofit entity to facilitate the purchase of vaccines for privately insured children, and to assess health insurance carriers and third-party administrators of insurance plans for the cost of vaccines for their insured children.
- The assessments will be deposited in the universal vaccine purchase account and the Department of Health will purchase the vaccines with the Centers for Disease Control discounted rates.
- The association may recommend dissolution on or after June 30, 2015, and the Legislature may vote to reject the recommendation to stop the dissolution.
- The act is effective immediately to allow the universal purchase of vaccines for all children to continue without a break, as it was previously scheduled to end May 1, 2010, for privately insured children.

**SHB 2686: CONCERNING FEES FOR DENTAL SERVICES THAT ARE NOT COVERED BY INSURANCE OR CONTRACT**

*Prime Sponsor: Representative Driscoll*

*(SB 6427 Senator Hobbs)*

*\*Signed by the Governor*

- Dental insurance carriers are prohibited from requiring a contracting dentist to limit fees charged for services that are not covered services under the dental benefit plan.

**SHB 2828: REQUIRING HOSPITALS TO REPORT CERTAIN HEALTH CARE DATA**

*Prime Sponsor: Representative Campbell*

*\*Signed by the Governor*

- Hospitals currently required to report certain infection related data are allowed to report it to the Washington State Hospital Association's Quality Benchmarking System for the next three years, or until the Centers for Disease Control can make changes to its reporting system, whichever occurs first.

**SHB 2841: CONCERNING THE STANDARD HEALTH QUESTIONNAIRE**

*Prime Sponsor: Representative Hinkle*

*\*Signed by the Governor*

- Provides an additional exemption from the requirement to complete the standard health questionnaire when applying for individual health insurance, for individuals whose employer has gone out of business.
- The application must be made within 90 days of the employer discontinuing coverage, and the person must have had at least 24 months of continuous group coverage immediately prior to the discontinuation, following the same application criteria for all other exemptions.

**ESHB 2876: CONCERNING PAIN MANAGEMENT**

*Prime Sponsor: Representative Moeller*

*\*Signed by the Governor/partial veto*

- By June 30, 2011, new rules must be adopted for managing chronic non-cancer pain.
- These rules must be adopted by the professional boards governing physicians, physicians' assistants, osteopathic physicians, osteopathic physician assistants, podiatrists, advanced registered nurse practitioners, certified registered nurse anesthetist, and dentists.
- New rules must include drug dosing criteria, guidelines for consultation requirements, and considerations for special circumstances when dosage guidelines may be exceeded.
- ~~The health professional boards must provide the Legislature with rules proposals in January 2011.~~ (PV)

**E2SHB 2961: ESTABLISHING A STATEWIDE ELECTRONIC SALES TRACKING SYSTEM FOR THE NONPRESCRIPTION SALES OF EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE**

*Prime Sponsor: Representative Campbell*

*(SB 6642 Senator Delvin)*

*\*Signed by the Governor*

- A statewide electronic tracking system for sales of ephedrine, pseudoephedrine, and other methamphetamine precursor drugs is authorized.
- Information about individual purchasers of these drugs must be submitted to the electronic tracking system.
- Limits on sales of methamphetamine precursors are changed to comply with federal law.
- The Board of Pharmacy must adopt rules to address privacy protections currently provided under federal law.
- The electronic tracking system will be provided at no cost to retailers, pharmacies, and vendors of these drugs.

**SHB 2997: CONCERNING THE SIZE OF A SMALL EMPLOYER'S GROUP FOR PURPOSES OF HEALTH BENEFIT PLANS**

*Prime Sponsor: Representative Cody*

*(SB 6681 Senator Keiser)*

*\*SHB 2997 is incorporated in its entirety into ESSB 6538.*

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# HIGHER EDUCATION & WORKFORCE DEVELOPMENT

786-7415

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**SSB 6355: EXPANDING THE HIGHER EDUCATION SYSTEM UPON  
PROVEN DEMAND**

*Prime Sponsor: Senator Kilmer*  
*\*Signed by the Governor*

*(HB 2655 Representative Wallace)*

- The limitation on the number of applied baccalaureate degree programs is eliminated. Community and technical colleges may offer applied baccalaureate degree programs after approval by the State Board for Community and Technical Colleges and the Higher Education Coordinating Board (HECB).
- Proposed major expansions or changes in the missions of institutions of higher education are subject to HECB approval based upon a two step needs assessment process.
- The HECB is required to rank major capital projects at four-year institutions in a single list.
- The University of Washington is authorized to use alternative contracting methods for highly specialized medical spaces.

**SSB 6357: REQUIRING POLICIES FOR ACADEMIC RECOGNITION OF  
CERTAIN FORMAL AND INFORMAL LEARNING  
EXPERIENCES**

*Prime Sponsor: Senator Kilmer*  
*\*Signed by the Governor*

- The State Board for Community and Technical Colleges (SBCTC), in consultation with others, develops policies for awarding academic credit for learning from work and military experience, military and law enforcement training, career college training, internships and externships, and apprenticeships.
- The policies must address issues regarding verification, accreditation, transfer of academic credit, licensing and professional recognition, and financial aid.
- Recommendations and policies developed by SBCTC are submitted to the appropriate committees of the Legislature.

**ESSB 6359: PROMOTING EFFICIENCIES INCLUDING INSTITUTIONAL  
COORDINATION AND PARTNERSHIPS IN THE COMMUNITY  
AND TECHNICAL COLLEGE SYSTEM**

*Prime Sponsor: Senator Kilmer*  
*\*Signed by the Governor*

*(HB 2634 Representative Carlyle)*

- College districts must coordinate their educational, training, and service programs with other colleges within a regional area.
- The State Board for Community & Technical Colleges (SBCTC), involving others, must identify potential administrative efficiencies, complementary administrative functions, and complementary academic programs in colleges within a regional area and must identify, develop, and adopt plans for the implementation of any recommended changes.
- Cost savings are retained by the college districts to enhance student access and success.
- The SBCTC, in consultation with boards of trustees at the colleges, establishes criteria and procedures for consolidating district structures to form multiple campus districts. Primary consideration is given to how proposed changes would affect student access, faculty recruitment and retention, and the expected financial efficiencies.

**SB 6467: AUTHORIZING HONORARY DEGREES FOR STUDENTS WHO WERE ORDERED INTO INTERNMENT CAMPS**

*Prime Sponsor: Senator Shin*

*\*Signed by the Governor*

- Honorary degrees may be conferred by Washington public institutions of higher education upon persons who were students at those institutions in 1942, but did not graduate because they were ordered into an internment camp.
- An honorary degree may also be requested by relatives for deceased qualified persons.

**SHB 2684: ESTABLISHING OPPORTUNITY CENTERS AT COMMUNITY COLLEGES**

*Prime Sponsor: Representative Kenney*

*\*Signed by the Governor*

- An Opportunity Education and Employment Center is established within the Seattle Community College District.
- The Opportunity Center will house various educational and social service providers that will integrate access to employment, counseling, and public benefit programs as well as education, training, financial aid, and counseling services offered through the college.
- By December 1, 2010, the State Board for Community & Technical Colleges must make recommendations on the location of a new center.

**HB 2694: REGARDING A BACHELOR OF SCIENCE IN NURSING PROGRAM AT THE UNIVERSITY CENTER**

*Prime Sponsor: Representative Sells*

*(SB 6801 Senator Hobbs)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- Authorizes the University Center of North Puget Sound and the University of Washington-Bothell to jointly offer a Bachelor of Science in Nursing program for up to 50 full-time equivalent students at the University Center in Everett.

**HB 2858: REGARDING THE PURCHASING AUTHORITY OF INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Representative Appleton*

*(SB 6413 Senator Fairley)*

*\*Signed by the Governor*

- Purchases of personal services; materials, supplies, or equipment; or information services made by state institutions of higher education may be done through group purchasing organizations.
- All of the other applicable purchasing policies and procedures remain in effect.

**HB 2973: CREATING RESIDENT STUDENT CLASSIFICATIONS FOR CERTAIN MEMBERS OF THE MILITARY AND THEIR SPOUSES AND DEPENDENTS**

*Prime Sponsor: Representative Orcutt*

*\*Signed by the Governor*

- A student who resides in Washington and is on active military duty stationed in one of the nine Oregon border counties is eligible to pay in-state tuition rates.
- Spouses and dependents of active military members stationed in one of the border counties and living in Washington are also eligible for in-state tuition rates as long as the spouse or dependent also resides in Washington.
- If the person on active military duty moves from Washington or is reassigned out of one of the Oregon border counties, that person's spouse or dependent maintains resident student status as long as the spouse or dependent resides in Washington and is continuously enrolled in a degree program.

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# HUMAN SERVICES & CORRECTIONS

786-7414

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## **2ESSB 5742: CONCERNING CRIME-FREE RENTAL HOUSING**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- A local government may establish a crime-free rental housing program, which is a crime prevention program designed to reduce crime, drugs, and gangs on rental property.
- The program must be voluntary; however, a landlord may be required to participate if an excessive number of crime-related incidents occur on the property.
- A landlord may not be prohibited from hiring or renting to a person solely because of the person's criminal history.
- Local ordinances and regulations adopted prior to July 1, 2010, are grandfathered in and not superseded by this legislation.

## **SSB 6192: PROVIDING FOR MODIFICATION OF THE DISPOSITION CONCERNING RESTITUTION IN JUVENILE CASES**

*Prime Sponsor: Senator Marr*

*\*Signed by the Governor*

- Permits the inclusion of costs of counseling in the restitution amount if reasonably related to the offense of which a juvenile has been adjudicated and restitution ordered.
- Permits the court to modify the order of restitution during the 10-year period after the juvenile's 18th birthday.
- Terminates the court's jurisdiction once the court has granted a motion to seal.
- Clarifies that a person may make a motion to seal at any time during the 10 years after his or her 18th birthday upon meeting the statutory criteria.

## **SSB 6202: EXPANDING PROVISIONS RELATING TO VULNERABLE ADULTS**

*Prime Sponsor: Senator Hargrove*

*(HB 2426 Representative Moeller)*

*\*Signed by the Governor*

- A financial institution, including a securities broker or investment advisor, that believes financial exploitation of a vulnerable adult is occurring may refuse a transaction pending investigation by the financial institution, law enforcement, and the Department of Social and Health Services (DSHS). The hold on a financial transaction must expire after five days, or ten days for a sale of securities, unless extended by a court.
- A financial institution must ensure that employees who have contact with customers and account information receive training concerning the financial exploitation of vulnerable adults.
- A mandated reporter must report the death of a vulnerable adult to law enforcement, a medical examiner or coroner, and DSHS if the mandated reporter suspects that the death was caused by abuse, neglect, or abandonment.

## **SB 6292: PROVIDING NOTICE OF RELEASE FROM INVOLUNTARY TREATMENT**

*Prime Sponsor: Senator Brandland*

*\*SB 6292 is incorporated in its entirety into 2SHB 3076.*

**SB 6308: CONTROLLING COMPUTER ACCESS BY RESIDENTS OF THE SPECIAL COMMITMENT CENTER**

*Prime Sponsor: Senator Carrell*

*(HB 3114 Representative Klippert)*

*\*Signed by the Governor*

- A sexually violent predator housed in the Special Commitment Center is prohibited from accessing or possessing a personal computer if the resident's treatment plan states that access to a computer is harmful to bringing about a positive response to a phase or course of treatment.
- A person who is prohibited from accessing or possessing a personal computer is permitted to access a limited functioning device only capable of word processing and limited data storage.

**SB 6323: PROVIDING PROTECTION FOR VULNERABLE ADULTS WHEN DOMESTIC VIOLENCE TEMPORARY EX PARTE PROTECTION ORDERS ARE REQUESTED AND ISSUED**

*Prime Sponsor: Senator Swecker*

*\*SB 6323 is incorporated in its entirety into ESHB 2777.*

**SSB 6337: CONCERNING INMATE SAVINGS ACCOUNTS**

*Prime Sponsor: Senator Regala*

*\*Signed by the Governor*

- Funds in an inmate's savings account may be used to pay for accredited postsecondary education expenses while incarcerated and may be used prior to release to pay for department approved reentry activities that promote successful community reintegration.
- The Secretary for the Department of Corrections must establish guidelines for the release of funds, giving consideration to an inmate's need for resources at the time of the inmate's release.

**SSB 6361: EXEMPTING A PERSON'S IDENTIFYING INFORMATION FROM PUBLIC DISCLOSURE WHEN SUBMITTED IN THE COURSE OF USING THE SEX OFFENDER NOTIFICATION AND REGISTRATION PROGRAM FOR THE PURPOSE OF RECEIVING NOTIFICATION REGARDING REGISTERED SEX OFFENDERS**

*Prime Sponsor: Senator Brandland*

*(HB 2817 Representative O'Brien)*

*\*Signed by the Governor*

- Information about a person who registers to receive email alerts from the Sex Offender Notification and Registration Program, including the person's name, address, and email address, is exempt from public disclosure.

**SSB 6414: IMPROVING THE ADMINISTRATION AND EFFICIENCY OF SEX AND KIDNAPPING OFFENDER REGISTRATION**

*Prime Sponsor: Senator Regala*

*\*Signed by the Governor*

- Timeframes for a sex or kidnapping offender to register and/or report to the county sheriff are standardized to three business days in the majority of circumstances.
- A person convicted of a sex or kidnapping offense in another state must register in Washington if that person would be required to register in the state of conviction or the person's crime is comparable to an offense in Washington that would require registration.
- A person whose duty to register has ended may request the county sheriff to review his or her records and, if appropriate, direct the Washington State Patrol to remove the person from the registry.

- A person who is required to register for an offense committed when the person was a juvenile may petition to be relieved of that duty if the person has been convicted of no more than one failure to register and has complied with the duty to register for two years.
- The term of community custody for a first time conviction of failure to register is reduced from 36 months to 12 months. The term for second and subsequent convictions remains at 36 months.

**SSB 6470: ADDRESSING THE BURDENS OF PROOF REQUIRED IN DEPENDENCY MATTERS AFFECTING INDIAN CHILDREN**

*Prime Sponsor: Senator Kauffman*

*\*Signed by the Governor*

- Adds the evidentiary standards for foster care placement and termination of parental rights required under the Indian Child Welfare Act to the dependency statutes.

**ESSB 6476: REVISING PROVISIONS RELATING TO SEX CRIMES INVOLVING MINORS**

*Prime Sponsor: Senator Stevens*

*\*Signed by the Governor/partial veto*

- Increases the felony class of the offense of Commercial Sexual Abuse of a Minor to a class B and that of Promoting Sexual Abuse of a Minor to a class A; also increases the seriousness level for these offenses on the grid for the standard sentence range.
- Increases the fine for a person who is convicted of, given a deferred sentence or deferred prosecution for, or who has entered into a diversion agreement for an offense relating to the Commercial Sexual Abuse of a Minor from \$550 to \$5,000.
- Allows, upon a first arrest for an offense related to the Commercial Sexual Abuse of a Minor, law enforcement to impound a vehicle if the vehicle was used in the commission of a crime and the person arrested is the owner or the vehicle is a rental car.
- Requires the prosecutor to file a diversion for a juvenile's first prostitution-related offense, even if the juvenile has other criminal history.
- Requires secure or semi-secure crisis residential centers to have on staff, or otherwise have access to, a person trained to work with the needs of sexually exploited children as a condition of licensing.
- ~~Requires the Criminal Justice Training Commission, in consultation with the Washington Association of Sheriffs and Police Chiefs, to develop a model policy regarding procedures relating to a minor who is sexually exploited or a victim of an offense under the Commercial Sexual Abuse of a Minor statutes. (PV)~~
- Includes a sexually exploited child in the definition of child in need of services and defines a sexually exploited child.
- Prioritizes the uses of the funds in the Prostitution Prevention and Intervention Account.

**E2SSB 6504: MODIFYING PROVISIONS OF THE CRIME VICTIMS' COMPENSATION PROGRAM**

*Prime Sponsor: Senator Hargrove*

*(HB 2770 Representative O'Brien)*

*\*Signed by the Governor*

- Total claim payments from the Crime Victims Compensation Program are limited to \$50,000. Benefits for burial expenses for the families of homicide victims are limited to \$5,750 and restricted to applicants who apply for benefits within one year of the time the body is discovered or released for burial.
- A limit of \$22,000 is imposed on benefits for permanent partial disability. Program benefits are disallowed for persons who have been convicted of a violent felony or a felony which is a crime against persons during the five years preceding the criminal act, unless the person has completely paid off all legal financial obligations.
- A new Crime Victims Compensation account is created in the custody of the state treasury. A portion of monies deposited in inmate accounts must be deposited into this account.
- Limitations on benefits paid by the Crime Victims Compensation Program expire on July 1, 2015.

**SSB 6548: SUSPENDING THE PAROLE OR PROBATION OF AN OFFENDER WHO IS CHARGED WITH A NEW FELONY OFFENSE IN CERTAIN CONDITIONS**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- DOC may supervise an offender on supervision under the Interstate Compact who is on parole or probation consistent with the supervision of other offenders in Washington who are on parole.
- If an offender on parole or probation is charged with a new felony offense, the offender's parole or probation may be suspended pending disposition of the criminal charges.

*\*SHB 2624 is incorporated in its entirety into SSB 6548, as described below:*

- DOC must determine the feasibility and cost of establishing memoranda of understanding with those states from which it receives the highest number of offenders for supervision, examine the feasibility of withdrawal from the Interstate Compact, and report back to the Legislature by December 1, 2010.
- At the next meeting of the Interstate Commission, Washington's representatives must seek a resolution regarding any inequitable distribution of obligations under the compact, the scope of the mandatory acceptance policy, and the authority of a receiving state to return an offender when it can no longer supervise the offender.

**E2SSB 6561: RESTRICTING ACCESS TO JUVENILE OFFENDER RECORDS**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- A juvenile adjudicated of a class A felony offense that is not a sex offense may petition the court to seal that record. The court may seal the record if: the juvenile has spent five years in the community since being released from confinement without committing another offense; no criminal proceedings against the juvenile are currently pending; no proceeding seeking a diversion is pending; and full restitution has been made.
- A juvenile adjudicated of a class B, C, gross misdemeanor, misdemeanor, or diversion may petition the court to have his or her record sealed if: the juvenile has spent two years in the community since being released from confinement without committing another offense; no criminal proceedings against the juvenile are currently pending; no proceeding seeking a diversion is pending; and full restitution has been made.

**ESB 6610: IMPROVING PROCEDURES RELATING TO THE COMMITMENT OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY**

*Prime Sponsor: Senator Hargrove*

*(HB 2932 Representative Kelley)*

*\*Signed by the Governor*

- An independent public safety review panel is established to review proposals by the Department of Social and Health Services (DSHS) for conditional release, furlough, temporary release, or movement around the grounds for persons found not guilty by reason of insanity (NGRI). The panel must consist of seven members appointed by the Governor, including a psychiatrist, psychologist, representative of the Department of Corrections (DOC), prosecutor, representative of law enforcement, representative of consumers and families, and a public defender. The panel must provide independent recommendations to DSHS and the court.
- DSHS may place a person found NGRI in a secure facility operated by DSHS or DOC, if it determines in writing that the person presents an unreasonable safety risk which is not manageable in a state hospital setting. A person found NGRI who is placed at DOC must receive mental health treatment targeted at rehabilitation and retain his or her right to petition for conditional release. DSHS must review the placement of such a person at least once every three months and report to the Legislature every six months. This provision expires on June 30, 2015.
- DSHS may petition for the conditional release or final release of a person found NGRI.
- The Washington State Institute for Public Policy must conduct a search for tools for competency assessments and risk assessments for persons found NGRI.

**SSB 6639: CREATING ALTERNATIVES TO TOTAL CONFINEMENT FOR NONVIOLENT OFFENDERS WITH MINOR CHILDREN**

*Prime Sponsor: Senator Brown*

*(HB 3045 Representative Roberts)*

*\*Signed by the Governor*

- A parenting sentencing alternative is created that allows a judge to suspend a sentence within the standard sentence range and order 12 months of community custody for nonviolent offenders with children.
- The Department of Corrections may grant up to 12 months of partial confinement in a home detention parenting program for an offender who is incarcerated but who otherwise meets the requirements for the parenting sentencing alternative.

*\*SHB 2506 is incorporated in part into SSB 6639, as described below.*

- A technical amendment is made to clean up inconsistent amendments to the earned release provisions of the Sentencing Reform Act from last session by placing new language adopted in HB 1789 (2009 Session) into RCW 9.94A.729.

**SB 6709: WAIVING THE IMPOSITION OF LEGAL FINANCIAL OBLIGATIONS IN CERTAIN CIRCUMSTANCES**

*Prime Sponsor: Senator Brandland*

*(HB 2799 Representative Appleton)*

*\*SB 6709 is incorporated in its entirety into SHB 3076.*

**SSB 6832: CONCERNING CHILD WELFARE SERVICES**

*Prime Sponsor: Senator Hargrove*

*\*Signed by the Governor*

- Adds a representative of foster youth to the Child Welfare Transformation Design Committee (TDC).
- Extends the deadline by which the Department of Social and Health Services (DSHS) must consolidate and convert existing contracts to performance-based contracts from January 1, 2011, to July 1, 2011.
- Extends the deadline by which the DSHS must complete implementation of two demonstration sites from June 30, 2012, to December 30, 2012.
- Specifies that contracting for child welfare services must be accomplished in a manner that does not jeopardize receipt of federal funding.
- Specifies preferences for contract bidding after July 1, 2015.
- Clarifies authority for the DSHS to provide case management services in the demonstration sites to establish a control group for the evaluation.

**ESB 6870: CONTAINING COSTS FOR SERVICES TO SEXUALLY VIOLENT PREDATORS**

*Prime Sponsor: Senator Hargrove*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The Department of Social and Health Services (DSHS) is only responsible for the cost of one expert or professional person to conduct an evaluation on behalf of a person who is being tried as a sexually violent predator.
- DSHS is responsible for the cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf and must adopt rules to contain costs relating to the reimbursement for evaluation services.

**SJM 8026:                   REQUESTING THE INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION IMMEDIATELY INITIATE ITS EMERGENCY RULE-MAKING PROCESS**

*Prime Sponsor: Senator Regala*

- The Legislature requests that the Intestate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process to amend the rules governing how states operate under the Interstate Compact or, in the alternative, that Congress address these issues through federal legislation.
- Rule amendments are requested to require a sending state to provide a receiving state with all known criminal history information about an offender who is being transferred to Washington for supervision and vest Washington with the authority to return an offender to the sending state when Washington believes the offender can no longer be safely supervised in this state.

**ESHB 1956:                   AUTHORIZING CHURCHES TO HOST TEMPORARY ENCAMPMENTS FOR HOMELESS PERSONS ON PROPERTY OWNED OR CONTROLLED BY A CHURCH**

*Prime Sponsor: Representative Williams*

*\*Signed by the Governor*

- A religious organization is authorized to host temporary encampments for the homeless on any property owned or controlled by the religious organization.
- A local government may not: impose conditions other than those necessary to protect public health and safety; require a religious organization to obtain insurance or indemnify the municipality from liability; or impose permit fees in excess of the actual costs associated with the required permit applications.
- Local governments are immune from civil liability for damages arising from the permitting decisions for a temporary encampment or any conduct or unlawful activity that may occur as a result of a temporary encampment.

**SHB 2422:                   CHANGING ESCAPE OR DISAPPEARANCE NOTICE REQUIREMENTS**

*Prime Sponsor: Representative Parker*

*(SB 6722 Senator Schoesler)*

*\*Signed by the Governor*

- State law enforcement is added to the list of agencies which must be notified when a person committed as incompetent to stand trial or not guilty by reason of insanity (NGRI) escapes from a state institution.
- Information regarding victims, witnesses, or surviving family members who have requested notification regarding a person committed as incompetent to stand trial or NGRI must be kept confidential and may not be disclosed to the committed person.

**SHB 2506:                   MAKING TECHNICAL CORRECTIONS TO THE REVISED CODE OF WASHINGTON**

*Prime Sponsor: Representative Goodman*

*\*SHB 2506 is incorporated in part into SSB 6639.*

**SHB 2533:                   CONCERNING THE INTERSTATE COMPACT ON MENTAL HEALTH**

*Prime Sponsor: Representative Pearson*

*\*Signed by the Governor*

- A person who has been found not guilty by reason of insanity (NGRI) in another state and who has fled from detention, commitment, or conditional release in that state may be civilly committed to an evaluation and treatment facility or state hospital in Washington for up to 30 days.
- The executive authority of the state in which the person was found NGRI must issue a statement requesting detention of the person and agreeing to facilitate transfer of the person back to the requesting state.
- The detained person must be provided with the rights granted under the Involuntary Treatment Act.

**SHB 2534: ESTABLISHING A PROGRAM TO VERIFY THE ADDRESS OF REGISTERED SEX OFFENDERS AND KIDNAPPING OFFENDERS**

*Prime Sponsor: Representative Hurst*

*(SSB 6360 Senator Hargrove)*

*\*Signed by the Governor*

- The requirement that level II and III sex offenders check-in with law enforcement every 90 days is repealed.
- A grant program for address verification is codified, requiring law enforcement to verify the address of a level I offender every 12 months, a level II every six months, and a level III every three months.
- A sheriff, police chief, or town marshal that does not participate in the address verification program must send a verification form to the offender no less than annually, which must be returned by the offender.
- A homeless offender must keep an accounting of where he or she stays during the week and give it to the sheriff upon request.

**SHB 2596: DEFINING CHILD ADVOCACY CENTERS FOR THE MULTIDISCIPLINARY INVESTIGATION OF CHILD ABUSE AND IMPLEMENTATION OF COUNTY PROTOCOLS**

*Prime Sponsor: Representative Williams*

*(SSB 6454 Senator Brandland)*

*\*Signed by the Governor*

- Creates a definition for Children's Advocacy Center within the chapter governing abuse and neglect of children.
- Adds Children's Advocacy Centers to the list of local multidisciplinary entities with whom counties must coordinate in developing protocols for investigations of child abuse, neglect, and fatality.
- Adds Children's Advocacy Centers and Community Sexual Assault Programs to the list of local multidisciplinary entities with whom counties must coordinate in developing protocols for investigations of child sexual abuse.

**SHB 2624: CONCERNING THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

*Prime Sponsor: Representative Kelley*

*\*SHB 2624 is incorporated in its entirety into SSB 6548.*

**SHB 2680: IMPLEMENTING A GUARDIANSHIP PROGRAM**

*Prime Sponsor: Representative Roberts*

*\*Signed by the Governor*

- Creates a process for the establishment, modification, and termination of guardianships to allow children to safely exit foster care.
- Removes dependency guardianships as a future permanency option for children in foster care.
- Revises elements of the subsidized guardianship program.

**SHB 2717: RESTRICTING LEAVE FROM STATE FACILITIES**

*Prime Sponsor: Representative Shea*

*\*Signed by the Governor*

- No person committed to a state facility pursuant to a finding of not guilty by reason of insanity or incompetence to stand trial is permitted to leave the facility without a conditional release or furlough authorized by the court.
- An exception is made for necessary legal and medical proceedings, funeral visits, or bedside visits to a member of the person's immediate family who is seriously ill, in which case an escort and notice to local law enforcement must be provided.

**HB 2735: ENCOURAGING THE NEED FOR REPRESENTATION OF CHILDREN IN DEPENDENCY MATTERS**

*Prime Sponsor: Representative Goodman*

*(SB 6716 Senator McDermott)*

*\*Signed by the Governor*

- Requires the Department of Social and Health Services (DSHS) and the guardian ad litem (GAL) to notify a child in a dependency who is age 12 years or older that the child has the right to request an attorney.
- Requires DSHS or the GAL to notify the child of his or her right to petition the court to re-instate a previously terminated parent's rights if the child is eligible to petition and the previously terminated parent contacts DSHS or the GAL.
- Requires the Administrative Office of the Courts to develop recommendations for voluntary training and caseload standards for attorneys representing children in dependencies.

**ESHB 2747: LIMITING THE USE OF RESTRAINTS ON PREGNANT WOMEN OR YOUTH**

*Prime Sponsor: Representative Darneille*

*(SB 6500 Senator Fraser)*

*\*Signed by the Governor*

- Except under extraordinary circumstances, prohibits the use of restraints on a pregnant woman or youth in her third trimester and who is incarcerated in a correctional facility, jail, juvenile detention facility or institution operated by the Juvenile Rehabilitation Administration during transportation to and from visits to medical providers or court hearings, or during post partum recovery.
- Prohibits the use of restraints while the incarcerated pregnant woman or youth is in labor or childbirth.
- Requires that restraints, when used, must be the least restrictive available and most reasonable under the circumstances, but in no case may leg irons or waist chains be used on a woman or youth known to be pregnant.
- Prohibits the presence of correctional officers or facility employees in the room during labor or childbirth unless requested by medical personnel. If requested, personnel or employees must be female if practicable.
- Requires the person in charge of the facility in which the pregnant woman or youth is incarcerated to provide medical and nonmedical staff involved in the transportation of pregnant women or youth with an informational packet detailing the restraint requirements in the act. The requirements must also be displayed in a conspicuous place in the facility for the residents to view.

**ESHB 2752: MODIFYING PROVISIONS RELATING TO PROVIDING SHELTER TO A MINOR**

*Prime Sponsor: Representative Dickerson*

*\*Signed by the Governor*

- Modifies requirements for notice to the Department of Social and Health Services, local law enforcement agencies, and parents when youth are admitted to licensed shelters serving youth who have run away from home or who are homeless.
- Requires the Washington State Patrol to make information about youth reported by a parent as being absent from home without permission publically available, if there is no cost to do so.
- Creates a private right of action for a parent of a youth admitted to an unlicensed youth shelter if the shelter fails to notify a parent after learning the youth is absent from home without permission.

**2SHB 2782: CONCERNING THE SECURITY LIFELINE ACT**

*Prime Sponsor: Representative Dickerson*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor/partial veto*

- By July 1, 2012, the Department of Social and Health Services (DSHS) must develop a plan for implementing paperless application processes for the services included in the Opportunity Portal.

- Subject to federal approval, the Food Stamp Employment Program will be expanded to three additional community colleges or other community-based locations in 2010 and will expand capacity of the 12 currently participating colleges.
- The General Assistance program is renamed the Disability Lifeline Program.
- A person who otherwise meets the eligibility requirements and who has a drug or alcohol addiction but is still incapacitated because of mental or physical infirmity and cannot work must go to treatment. If that person participates in the treatment program, he or she will receive a cash grant. If the recipient refuses to participate in treatment or does not complete treatment, then the recipient is ineligible to receive the cash grant or medical but would still be eligible for food benefits, unless good cause is shown.
- On or after September 2, 2010, a person who otherwise meets the eligibility requirements, is homeless, and has been assessed as needing chemical dependency or mental health treatment or both must agree to accept a housing voucher in lieu of a cash grant if the voucher is available.
- Beginning September 1, 2010, no person currently receiving or who becomes eligible to receive disability lifeline benefits will be eligible to receive benefits under this program for more than 24 months in a 5-year period. These time limits expire on June 30, 2013.
- On or before July 1, 2010, for recipients who have been on the program for 20 months and September 1, 2010, for recipients who have been on the program for 12 months, DSHS must conduct a review. The review should determine whether the person meets the federal supplemental security income disability standard and if the person does not meet that standard whether the receipt of additional services would lead to employability.
- ~~The Health Care Authority is to provide high priority for enrollment to ineligible disability lifeline recipients in the subsidized Basic Health Plan if they are eligible. (PV)~~
- DSHS is to implement the Early SSI Transition Project starting in King, Pierce, and Spokane counties no later than July 1, 2010, and expanding statewide no later than October 1, 2011.

**SHB 3016:                    UPDATING PROVISIONS CONCERNING THE MODIFICATION, REVIEW, AND ADJUSTMENT OF CHILD SUPPORT ORDERS TO IMPROVE ACCESS TO JUSTICE AND TO ENSURE COMPLIANCE WITH FEDERAL REQUIREMENTS**

*Prime Sponsor: Representative Pedersen*

*(SB 6640 Senator Hargrove)*

*\*Signed by the Governor*

- The Division of Child Support may file an action to modify or adjust a child support order in appropriate circumstances when public assistance is being paid for the child, a party to the order has requested a review in a nonassistance case, or another state or jurisdiction has requested a modification.
- If testimony other than an affidavit is required in any modification proceeding, the court must permit a party or witness to testify by telephone or other electronic means unless good cause is shown.

**2SHB 3076:                    CONCERNING THE INVOLUNTARY TREATMENT ACT**

*Prime Sponsor: Representative Dickerson*

*(SB 6791 Senator Hargrove)*

*\*Signed by the Governor*

- In deciding whether to detain a person under the Involuntary Treatment Act, a designated mental health professional (DMHP) or judge must consider the person's behavior in light of all reasonably available information about the person's historical behavior, including information disclosed by credible witnesses with knowledge of the person.
  - A DMHP or judge may infer that a person presents a likelihood of serious harm or is gravely disabled when symptoms or behavior are present that represent a marked and concerning change from baseline behavior which is closely associated with a past incident of involuntary hospitalization, severe deterioration, or violence.
  - The Washington Institute for Public Policy must conduct a study of mental health assessment tools.
- \* SB 6292 is incorporated into 2SHB 3076, as described below.*
- Whenever a person is released from involuntary treatment at an evaluation and treatment facility or state hospital, the facility or hospital must provide notice of release and a copy of any less restrictive order to the

DMHP office responsible for the person's initial commitment, and the DMHP office in the area in which the person is expected to reside.

\* SB 6709 is incorporated into 2SHB 3076, as described below.

- Before imposing legal financial obligations on a defendant with a disabling mental illness, except restitution or the victim penalty assessment, the court must determine whether the defendant has the ability to pay such sums.

**SHB 3124:                   REQUIRING A REPORT TO CHILD PROTECTIVE SERVICES  
WHEN A CHILD IS PRESENT IN THE VEHICLE OF A PERSON  
ARRESTED FOR DRIVING OR BEING IN CONTROL OF A  
VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR  
DRUGS**

*Prime Sponsor: Representative Roberts*

*\*Signed by the Governor*

- Requires law enforcement officers to notify child protective services when a child, age 13 or under, is present in the car being driven by a parent, legal custodian, or guardian who is being arrested for a drug- or alcohol-related driving offense.

**E2SHB 3141:               REGARDING DELIVERY OF TEMPORARY ASSISTANCE TO  
NEEDY FAMILIES**

*Prime Sponsor: Representative Kagi*

*\*Signed by the Governor/partial veto*

- Establishes a 12-month authorization period under the Working Connections Child Care (WCCC) program for eligible families with children enrolled in the Early Childhood Education and Assistance Program, Head Start, or Early Head Start.
- Requires a report to the Legislature regarding the impact of the 12-month authorization under the WCCC program.
- ~~Directs the WorkFirst subcabinet to re-evaluate the WorkFirst program, develop a proposal for re-designing delivery of services under the WorkFirst program, and report back to the Legislature by December 1, 2010.~~  
(PV)

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## JUDICIARY

786-7455

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**ESB 5516: ADDRESSING DRUG OVERDOSE PREVENTION**

*Prime Sponsor: Senator Franklin*

*(HB 1615 Representative Litas)*

*\*Signed by the Governor*

- A person who seeks medical assistance for a person suffering from a drug-related overdose is exempt from certain prosecutions under the Uniform Controlled Substances Act (Act).
- A person who experiences a drug-related overdose and receives medical assistance is exempt from certain prosecutions under the Act.
- A person remains liable for charges of manufacturing or sale of a controlled substance and the protection does not apply to suppression of evidence in other criminal charges.
- Any person is authorized to administer, dispense, prescribe, purchase, acquire, possess, or use Naloxone, given the fulfillment of certain requirements.

**SB 6277: REVISING THE ORDER OF VESTING FOR THE RIGHT TO CONTROL DISPOSITION OF HUMAN REMAINS**

*Prime Sponsor: Senator Zarelli*

*\*SB 6277 is incorporated in part into ESHB 2777.*

**ESSB 6286: CONCERNING THE LIABILITY AND POWERS OF CITIES, DIKING DISTRICTS, AND FLOOD CONTROL ZONE DISTRICTS**

*Prime Sponsor: Senator Kline*

*(HB 2794 Representative Uptegrove)*

*\*Signed by the Governor*

- Flood control zone districts, diking districts, and cities are provided immunity from liability for any noncontractual acts or omissions relating to flood control improvement and prevention work on any river or its tributaries.

**SSB 6293: CHANGING PROVISIONS RELATING TO RENDERING CRIMINAL ASSISTANCE IN THE FIRST DEGREE**

*Prime Sponsor: Senator Brandland*

*\*Signed by the Governor*

- The offense of rendering criminal assistance in the 1st degree is a class B felony.
- If the criminal assistance is rendered by a relative who is under the age of 18 years, the offense is a gross misdemeanor.
- The act may be known and cited as Randy's law.

**SSB 6340: CHANGING THE MEMBERSHIP OF THE WASHINGTON STATE FORENSIC INVESTIGATIONS COUNCIL**

*Prime Sponsor: Senator Regala*

*(HB 2767 Representative Appleton)*

*\*Signed by the Governor*

- Expands the Forensic Investigations Council from 12 to 13 members.
- The additional member is an attorney whose practice of law includes significant experience representing clients charged with criminal offenses.

**SSB 6395: ADDRESSING LAWSUITS AIMED AT CHILLING THE VALID EXERCISE OF THE CONSTITUTIONAL RIGHTS OF SPEECH AND PETITION**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- A procedure is created for the speedy resolution of strategic lawsuits against public participation.
- An action involving public participation and petition is defined as including any oral or written statement submitted in connection with an issue under consideration by a legislative, executive, judicial, or other proceeding authorized by law or any lawful conduct exercising the constitutional right of free speech in connection with an issue of public concern.

**SSB 6398: ADDING THE DEFINITION OF THREAT TO MALICIOUS HARASSMENT PROVISIONS**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- Defines threat for the offense of malicious harassment as the direct or indirect communication of the intent to cause bodily injury or physical damage immediately or in the future.

**SB 6450: REQUIRING THE DEPARTMENT OF LICENSING TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR COURT REPORTERS**

*Prime Sponsor: Senator Eide*

*\*Signed by the Governor*

- Requires the Department of Licensing to establish continuing education requirements for court reporters.

**SSB 6590: STATING THE POLICY THAT LAW ENFORCEMENT PERSONNEL BE TRUTHFUL AND HONEST IN THE CONDUCT OF OFFICIAL BUSINESS**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- Creates a new Washington policy that states that all law enforcement personnel must be truthful and honest in the conduct of their official business.

**SSB 6591: REVISING THE PROCEDURE FOR COMPLAINTS FILED WITH THE HUMAN RIGHTS COMMISSION**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- If the facts as stated in a complaint alleging unfair practices in violation of the Washington Law Against Discrimination do not constitute a violation, then Human Rights Commission staff may issue a finding of no reasonable cause without further investigation.

**SSB 6673: APPOINTING A TASK FORCE TO STUDY BAIL PRACTICES AND PROCEDURES**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- A work group is established within existing resources to study and make recommendations regarding bail practices and procedures.
- The membership of the work group and the topics for the work group to review are provided.

- The work group must report its findings and recommendations to the Washington State Supreme Court, the Governor, and the appropriate committees of the Legislature by December 11, 2010. The work group expires on December 31, 2010.

**SSB 6674: REGULATING INDEMNIFICATION AGREEMENTS INVOLVING MOTOR CARRIER TRANSPORTATION CONTRACTS**

*Prime Sponsor: Senator Kline*

*\*Signed by the Governor*

- Motor carrier transportation contracts are added to the type of contracts for which indemnification is enforceable only to the extent of the indemnitor's negligence.
- A motor carrier transportation contract is defined as a contract, agreement, or understanding covering: (1) the transportation of property for compensation or hire by the motor carrier; (2) entrance on property by the motor carrier for loading, unloading, or transporting property for compensation or hire; or (3) a service incidental to an activity described in (1) or (2) of this paragraph including, but not limited to, storage of property, moving equipment or trailers, loading or unloading, or monitoring loading or unloading. Intermodal shipping is exempt.

**ESB 6764: REGARDING ACCRUAL OF INTEREST ON JUDGMENTS FOUNDED ON TORTIOUS CONDUCT**

*Prime Sponsor: Senator Gordon*

*\*Signed by the Governor*

- Maintains the interest rate of 2 percentage points above the 26-week treasury bill rate on judgments founded on the tortious conduct of a public agency.
- Creates an interest rate of 2 percentage points above the prime rate for judgments founded on the tortious conduct of any individual or entity that is not a public agency.

**SHB 1913: CHANGING PROVISIONS RELATING TO PROCESS SERVERS**

*Prime Sponsor: Representative Warnick*

*(SB 5646 Senator McDermott)*

*\*Signed by the Governor*

- Registered process servers who serve process for a fee in Washington must be at least 18 years old and a Washington resident.

**SHB 2226: ISSUING FIREARMS CERTIFICATES TO RETIRED LAW ENFORCEMENT OFFICERS**

*Prime Sponsor: Representative Orcutt*

*\*Signed by the Governor*

- The Washington Association of Sheriffs and Police Chiefs must develop a model firearms certificate form to be used by retired law enforcement officers to meet the Federal Law Enforcement Officers Safety Act concealed pistol certificate requirements.
- The requirements for a retired law enforcement officer to receive a state issued certificate authorizing a retired officer to carry a concealed weapon in Washington are clarified.

**ESHB 2424: PROTECTING CHILDREN FROM SEXUAL EXPLOITATION AND ABUSE**

*Prime Sponsor: Representative O'Brien*

*(SB 6397 Senator Kline)*

*\*Signed by the Governor*

- Creates a new offense of intentionally viewing over the Internet visual depictions of a minor engaged in sexually explicit conduct.
- Clarifies that the unit of prosecution for dealing in, sending or bringing into the state, or possessing a depiction of a minor engaged in sexually explicit conduct is per item of visual or printed matter.

*\*ESHB 2571 is incorporated in its entirety into ESHB 2424.*



- The following portion of the bill takes effect January 1, 2011, only if the proposed amendment to Article I, section 20 of the state Constitution proposed in HJR 4220 is validly submitted to and approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, the following portions of the bill are null and void:
  - Procedures for the pretrial release on conditions or detention of a person charged with an offense are established. A judicial officer is required to detain a person, charged with an offense that is punishable by life in prison, if the judge finds by clear and convincing evidence that: (1) the person shows a propensity for violence that creates a substantial likelihood of danger to the community or any person, and (2) no condition or combination of conditions will reasonably assure the safety of any other person and the community.
  - A judicial officer must consider various factors and circumstances in order to determine whether to detain a person or whether a condition or combination of conditions will reasonably assure the safety of any person or the community in specified cases.

**SHB 2657: ADDRESSING THE DISSOLUTION OF LIMITED LIABILITY COMPANIES**

*Prime Sponsor: Representative Pedersen.*

*(SB 6281 Senator Tom)*

*\*Signed by the Governor*

- The laws governing the dissolution of a Limited Liability Company (LLC) are amended to remove all references to cancellation of a certificate of formation.
- A new document called a certificate of dissolution for LLCs is created and a procedure is established for a dissolved LLC to dispose of known claims.

**HB 2681: ALLOWING COMPENSATION FOR PART-TIME JUDGES' JUDICIAL SERVICES**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- A part-time district court judge can receive compensation for judicial services, not just reimbursement for subsistence, lodging, and travel expenses, provided in another district court.

**2SHB 2742: ADDRESSING ACCOUNTABILITY FOR PERSONS DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor*

- The category of people who may apply for an ignition interlock license (IIL) is amended to include anyone who is convicted of DUI or an equivalent local or out-of-state statute or ordinance and vehicular homicide or vehicular assault if committed while under the influence of alcohol. People in a DUI-deferred prosecution no longer need to apply for an IIL.
- The definition of prior offense is amended for purposes of sentencing.
- Driving a vehicle without an ignition interlock device when required to have one is a gross misdemeanor.

**ESHB 2777: MODIFYING DOMESTIC VIOLENCE PROVISIONS**

*Prime Sponsor: Representative Goodman*

*\*Signed by the Governor/partial veto*

- Makes a number of changes to the laws relating to domestic violence, including changes in the areas of law enforcement and arrest, no-contact and protection orders, firearms possession, sentencing reforms, treatment and services for perpetrators and victims, and human remains disposition.
- Adjusts how prior non-felony and felony domestic violent-related offenses are calculated for purposes of calculating an offender's sentence.

- ~~When funded, the Washington Association of Sheriffs and Police Chiefs is directed to convene a work group to develop a model policy regarding the reporting of domestic violence to law enforcement in cases where the victim is unable or unwilling to make a report. (PV)~~
- *\*ESHB 2427 is incorporated in part into ESHB 2777, as described below.*
- Requires double scoring for prior adult felony offenses that are domestic violence related and single scoring for prior adult non-felony offenses that are domestic violence related for purposes of calculating an offender's sentence.
- *\*SSB 6323 is incorporated in its entirety into ESHB 2777, as described below.*
- A law enforcement officer must make a reasonable effort to accommodate a person with special needs when serving a protection order.
- *\*SB 6277 is incorporated in part into ESHB 2777, as described below.*
- A person arrested or charged with first or second degree murder, or first degree manslaughter is prohibited from controlling the disposition of the decedent's remains.
- The right to control vests in the next eligible person listed in the statute.

**HB 2861:                    ADDING STATE CERTIFIED COURT REPORTERS TO THE LIST OF PERSONS AUTHORIZED TO ADMINISTER OATHS AND AFFIRMATIONS**

*Prime Sponsor: Representative Rodne*

*\*Signed by the Governor*

- State-certified court reporters are authorized to administer oaths and affirmations and take testimony in actions or proceedings.

**SHB 3046:                    ADDRESSING THE DISSOLUTION OF THE ASSETS AND AFFAIRS OF A NONPROFIT CORPORATION**

*Prime Sponsor: Representative Driscoll*

*(SB 6788 Senator Brown)*

*\*Signed by the Governor*

- The nonprofit corporation dissolution statutes are amended to authorize a superior court to dissolve a corporation under certain circumstances.
- A superior court is authorized to appoint a custodial receiver during dissolution to manage the affairs of a nonprofit corporation.

**HB 3219:                    MAKING TECHNICAL CORRECTIONS TO THE REVISED CODE OF WASHINGTON**

*Prime Sponsor: Representative Goodman*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor/partial veto*

- Makes technical corrections to various provisions of the RCW including the following:
  - references to the Department of Transportation's six-year investment program are replaced with the Office of Financial Management's ten-year investment program;
  - inaccurate references to terms and statutes that have been amended, recodified, or repealed are corrected;
  - a drafting error related to the calculation for the minimum contribution rate for various retirement systems is corrected;
  - removes the reference that repeals the Pesticide Incident Reporting and Tracking Review Panel; and
  - aligns effect dates to allow bills to take effect prior to the regular effective date which is 90 days after the end of the 1st Special Session.
- ~~Removes the repeal of RCW 70.104.080 contained in E2SHB 2617. (PV)~~

**ESHJR 4220: AMENDING THE STATE CONSTITUTION SO THAT THE PROVISION RELATING TO BAILABLE CRIMES BY SUFFICIENT SURETIES IS MODIFIED**

*Prime Sponsor: Representative Hope*

*(SJR 8224 Senator Kline)*

- This joint resolution proposes an amendment to the state Constitution to allow a judge to deny bail to a person charged with an offense punishable by life in prison based on a showing by clear and convincing evidence that the person has a propensity for violence that creates a substantial likelihood of danger to the community or any person. It also provides that the denial of bail under these circumstances is subject to limitations determined by the Legislature.

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## **LABOR, COMMERCE & CONSUMER PROTECTION**

**786-7426**

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**SSB 5046: PLACING SYMPHONY MUSICIANS UNDER THE JURISDICTION OF THE PUBLIC EMPLOYMENT RELATIONS COMMISSION FOR PURPOSES OF COLLECTIVE BARGAINING**

*Prime Sponsor: Senator Kohl-Welles*

*(SHB 3003 Rep. Hunter/ SHB 1276 Rep. Conway)*

*\*Signed by the Governor*

- Establishes procedures for collective bargaining between certain private symphony orchestras and symphony musicians.
- Permits the Public Employment Relations Commission to intervene in disputes between symphony musicians and their employers.

**ESSB 5529: REGARDING ARCHITECTS**

*Prime Sponsor: Senator Jarrett*

*(2SHB 1634 Representative White)*

*\*Signed by the Governor*

- Updates the architect registration requirements.

**SSB 6239: MAKING TECHNICAL CORRECTIONS TO GENDER-BASED TERMS**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- Gender-specific terms and references are made gender-neutral in several titles of the Revised Code of Washington.

**SSB 6329: CREATING A BEER AND WINE TASTING ENDORSEMENT TO THE GROCERY STORE LIQUOR LICENSE**

*Prime Sponsor: Senator Kohl-Welles*

*(SHB 2688 Representative Hunter)*

*\*Signed by the Governor*

- A grocery store licensed to sell beer and/or wine may obtain an endorsement to offer beer and wine tasting.
- Grocery stores offering tastings are subject to size, service area, and advertising restrictions.
- A tasting endorsement may be suspended if the grocery store is found to have committed a public safety violation in conjunction with tasting activities.

**SB 6330: PERMITTING THE PLACEMENT OF HUMAN TRAFFICKING INFORMATIONAL POSTERS IN REST AREAS**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- The Department of Transportation may work with human trafficking victim advocates in developing informational posters for placement in rest areas.

**SSB 6332: CONCERNING HUMAN TRAFFICKING**

*Prime Sponsor: Senator Kohl-Welles*

*\*Signed by the Governor*

- Workers who come from other countries to work in this state must be provided a disclosure statement informing them about their rights under state and federal law. If this statement is provided at the federal level, it is not necessary to provide it at the state level.

- Employers who fail to provide a disclosure statement to their employees may be liable to these employees for civil penalties in an amount between \$200 and \$500 or actual damages. A prevailing worker must also be awarded court costs and attorneys' fees.

**SSB 6349: ESTABLISHING A FARM INTERNSHIP PROGRAM**

*Prime Sponsor: Senator Ranker*

*\*Signed by the Governor/partial veto*

- A farm internship pilot project is created for Skagit and San Juan counties.
- Small farms seeking to participate in the pilot project must obtain a special certificate from the Department of Labor and Industries.
- ~~Funding for the farm internship program must be appropriated from the general fund.~~ (PV)

**SSB 6485: MODIFYING CRAFT DISTILLERY PROVISIONS**

*Prime Sponsor: Senator Marr*

*\*Signed by the Governor*

- The amount of spirits a craft distillery can distill is increased to 60,000 gallons.
- Craft distilleries may contract distill spirits, and pour or dispense spirits for a special occasion licensee.
- The holder of a grower's license may contract for the manufacturing of spirits from the grower's own agricultural products.

**SSB 6524: ADDRESSING UNEMPLOYMENT INSURANCE PENALTIES AND CONTRIBUTION RATES FOR EMPLOYERS WHO ARE NOT "QUALIFIED EMPLOYERS"**

*Prime Sponsor: Senator King*

*(SHB 2648 Representative Kenney)*

*\*Signed by the Governor*

- Starting in 2011, the delinquent tax rate for employers without an approved deferred payment contract will be 1 percent higher than the rate would have been had the employer not been delinquent.
- Starting January 1, 2011, an employer that knowingly fails to register and obtain an employment security account number is subject to a quarterly penalty of \$1,000 or two times the taxes due, whichever is greater.

**2SSB 6575: CONCERNING THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TASK FORCE ON THE UNDERGROUND ECONOMY**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 2826 Representative Conway)*

*\*Vetoed by the Governor*

- ~~The Department of Labor and Industries may conduct contractor registration classes that unregistered contractors may take in order to reduce monetary penalties charged by the department.~~
- ~~The contractor registration account is created. All money from contractor registrations, renewals, and civil penalties are to be deposited into the account. (Vetoed in its entirety.)~~

**SSB 6647: PROTECTING JOBS OF MEMBERS OF THE CIVIL AIR PATROL WHILE ACTING IN AN EMERGENCY SERVICE OPERATION**

*Prime Sponsor: Senator Honeyford*

*\*Signed by the Governor*

- Members of the Civil Air Patrol may not be discharged or disciplined by their employers if they take leave related to their participation in emergency service operations.

**ESSB 6726: MAKING THE GOVERNOR THE PUBLIC EMPLOYER OF LANGUAGE ACCESS PROVIDERS**

*Prime Sponsor: Senator Marr*

*(2SHB 3062 Representative Conway)*

*\*Signed by the Governor/partial veto*

- ~~The Office of Financial Management must establish a working group on language access services and include members that have experience and knowledge of language access services.~~ (PV)
- Language access providers may collectively bargain with the Governor over economic compensation, professional development and training, labor-management committees, and grievance procedures.

**SSB 6749: CONCERNING THE TRANSFER OF COMMERCIAL REAL ESTATE**

*Prime Sponsor: Senator Fraser*

*\*Signed by the Governor*

- Sellers of commercial real estate must provide buyers with a disclosure statement, which is similar to the required disclosure statement for sellers of residential real property.

**SB 6804: ALLOWING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO ADOPT RULES ESTABLISHING STANDARDS FOR THE REVIEW AND CERTIFICATION OF TREATMENT FACILITIES UNDER THE PROBLEM AND PATHOLOGICAL GAMBLING TREATMENT PROGRAM**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 3315 Representative Conway)*

*\*Signed by the Governor*

- The Department of Social and Health Services may certify and contract with treatment facilities for services provided under the Problem and Pathological Gambling Program and may adopt rules establishing standards for the review and certification of treatment facilities under this program.

**E2SHB 1149: PROTECTING CONSUMERS FROM BREACHES OF SECURITY**

*Prime Sponsor: Representative Williams*

*(SSB 5564 Senator Kohl-Welles)*

*\*Signed by the Governor*

- Modifies the state security breach law.
- Provides a cause of action for a financial institution if account information is compromised by a lack of reasonable care by a business, processor, or vendor.

**E2SHB 1560: REGARDING COLLECTIVE BARGAINING AT INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Representative Conway*

*\*Signed by the Governor*

- Certain universities and colleges may participate in multi-employer bargaining.
- Late certifying bargaining units may submit a request for funds necessary to implement their collective bargaining agreements so long as a final budget has not been passed.

**SHB 2429: ADDRESSING THE RESALE OF MOTOR VEHICLES PREVIOUSLY DETERMINED AS HAVING NONCONFORMITIES**

*Prime Sponsor: Representative Wood*

*\*Signed by the Governor*

- Extends Washington's lemon disclosure law to used motor vehicle dealers.
- Requires manufacturers and motor vehicle dealers to identify the nonconformity and include a title brand on the resale disclosure form.

**SHB 2546: CONCERNING CLASSROOM TRAINING FOR ELECTRICAL TRAINEES**

*Prime Sponsor: Representative Van De Wege*

*(SB 6728 Senator Gordon)*

*\*Signed by the Governor*

- Starting July 1, 2011, the number of classroom hours of instruction necessary to renew an electrical training certificate is increased from 16 to 32.
- Starting July 1, 2013, the number of hours is increased from 32 to 48.
- The Department of Labor and Industries must provide the appropriate legislative committees with information on the implementation of the new classroom training requirements by December 1, 2012.

**ESHB 2547: CONCERNING FRANCHISE AGREEMENTS BETWEEN NEW MOTOR VEHICLE DEALERS AND MANUFACTURERS**

*Prime Sponsor: Representative Conway*

*(SB 6391 Senator Keiser)*

*\*Signed by the Governor*

- Modifies the provisions regarding motor vehicle manufacturer and dealer franchise agreements, including those related to terminations of franchises, warranty work, designated successors to franchise ownership, unfair practices, and transfers of dealerships.

**SHB 2555: AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRIES TO ISSUE SUBPOENAS TO ENFORCE PRODUCTION OF INFORMATION RELATED TO ELECTRICIANS AND ELECTRICAL INSTALLATIONS**

*Prime Sponsor: Representative Conway*

*(SSB 6492 Senator Kaufman)*

*\*Signed by the Governor*

- The Department of Labor and Industries may issue subpoenas to enforce the production of necessary information when the department believes there has been a violation of the electrician or electrical installation laws.

**SHB 2649: CORRECTING REFERENCES IN RCW 50.29.021(2)(C)(I), (C)(II), AND (3)(E), RCW 50.29.062(2)(B)(I)(B) AND (2)(B)(III), AND RCW 50.29.063(1)(B) AND (2)(A)(II) TO UNEMPLOYMENT INSURANCE STATUTES CONCERNING EMPLOYER EXPERIENCE RATING ACCOUNTS AND CONTRIBUTION RATES**

*Prime Sponsor: Representative Green*

*(SSB 6525 Senator Kohl-Welles)*

*\*Signed by the Governor*

- Corrects references in unemployment insurance statutes.

**SHB 2678: MODIFYING DISTRIBUTIONS OF FUNDS BY THE HORSE RACING COMMISSION TO NONPROFIT RACE MEETS**

*Prime Sponsor: Representative Quall*

*(SSB 6393 Senator Hewitt)*

*\*Signed by the Governor*

- Changes funding of nonprofit horse race purses paid by the Washington Horse Racing Commission from \$300,000 distributed on a pro rata basis to \$15,800 per race day.
- Authorizes the Commission to fund nonprofit purses with funds from a hierarchy of funding sources, including a percentage of source market fees on advance deposit wagering.

**HB 2697: CONCERNING REAL ESTATE BROKER LICENSURE FEES**

*Prime Sponsor: Representative Conway*

*\*Signed by the Governor*

- Extends the Department of Licensing's authority to collect a \$10 fee from real estate licensees to fund the activities of the Washington Center on Real Estate Research for five additional years.

**SHB 2789: AUTHORIZING ISSUANCE OF SUBPOENAS FOR PURPOSES OF AGENCY INVESTIGATIONS OF UNDERGROUND ECONOMIC ACTIVITY**

*Prime Sponsor: Representative Conway*

*(SB 6574 Senator Kohl-Welles)*

*\*Signed by the Governor*

- The Department of Labor and Industries, the Employment Security Department, and the Department of Revenue may seek judicial approval of a subpoena when requesting third-party information.

**EHB 2805: REGARDING PUBLIC WORKS INVOLVING OFF-SITE PREFABRICATION**

*Prime Sponsor: Representative Ormsby*

*\*Signed by the Governor*

- Contracts entered into between September 1, 2010, and December 31, 2013, for certain public work projects must contain a provision requiring the submission of information about off-site prefabricated items produced outside Washington.
- A bidder on a public works project that has failed to submit the specified information more than once between 2010 and 2013 will not be considered a responsible bidder.

**ESHB 3040: REGARDING THE LICENSING OF APPRAISAL MANAGEMENT COMPANIES**

*Prime Sponsor: Representative Conway*

*\*Signed by the Governor*

- Starting July 1, 2011, an entity must have a license to engage in business as an appraisal management company, to perform appraisal management services, or to advertise or hold itself out as engaging in business as an appraisal management company.

**HB 3061: ADDRESSING CLAIMS OF INSOLVENT SELF-INSURERS UNDER INDUSTRIAL INSURANCE**

*Prime Sponsor: Representative Condotta.*

*(SB 6732 Senator Kohl-Welles)*

*\*Signed by the Governor*

- The balance of a self-insured employers' surety bond is deposited into the insolvency trust fund if the employer has been in default for ten years and all claims against the employer are closed.
- In second injury cases where the self-insured employer is in default, the amount paid into the pension reserve fund must be taken from the employer's surety deposit.

**SHB 3145: IMPROVING ADMINISTRATION OF WAGE COMPLAINTS**

*Prime Sponsor: Representative McCoy*

*(SSB 6456 Senator Kline)*

*\*Signed by the Governor*

- Modifies provisions of the 2006 Wage Payment Act concerning the statute of limitations, successor business liability, minimum penalty amounts, and the authority of the Department of Labor and Industries to require employers to post a bond to cover wage obligations.
- Establishes a civil penalty for repeat willful violators of wage payment requirements.

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## NATURAL RESOURCES, OCEAN & RECREATION

786-7419

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**SB 6234:                   REGARDING THE SEA URCHIN AND SEA CUCUMBER  
LICENSE LIMITATION PROGRAMS**

*Prime Sponsor: Senator Swecker*

*(HB 2472 Representative Quall)*

*\*SB 6234 is incorporated in its entirety into SHB 2593.*

**SB 6275:                   REGARDING HARBOR LINES**

*Prime Sponsor: Senator Jacobsen*

*\*Signed by the Governor*

- Authorizes the Harbor Line Commission to change, relocate, or reestablish a harbor line in any harbor area in the state.

**SSB 6350:                CONCERNING MARINE WATERS MANAGEMENT THAT  
INCLUDES MARINE SPATIAL PLANNING**

*Prime Sponsor: Senator Ranker*

*(HB 3078 Representative Rolfes)*

*\*Signed by the Governor*

- Creates an interagency team (team) composed of Natural Resources cabinet and independent agencies with jurisdiction over marine issues, as well as a federal representative.
- Requires the team to recommend a framework for integrating marine spatial planning into the state's management planning efforts by December 15, 2010.
- Requires the team to coordinate development of a comprehensive marine management plan (plan) for the state's marine waters, to include marine spatial planning. Establishes provisions regarding plan development, content, public review, implementation, and interpretation. Makes nonstate funding a prerequisite for plan development.

**SB 6481:                CLARIFYING WHICH LOCAL GOVERNMENTS HAVE  
JURISDICTION OVER CONVERSION-RELATED FOREST  
PRACTICES**

*Prime Sponsor: Senator Morton*

*\*Signed by the Governor*

- Narrows the number of counties that are required to adopt local forest practice regulations to counties that plan under the Growth Management Act with a population greater than 100,000.

**SB 6676:                CONCERNING CHANGES IN VESSEL DESIGNATIONS ON  
DUNGENESS CRAB-COASTAL FISHERY LICENSES**

*Prime Sponsor: Senator Hatfield.*

*\*SSB 6676 is incorporated in its entirety into SHB 2593.*

**SJM 8025:              REQUESTING THAT A RETIRED SPACE SHUTTLE ORBITER  
BE TRANSFERRED TO WASHINGTON'S MUSEUM OF FLIGHT**

*Prime Sponsor: Senator Prentice*

*(HJM 4027 Representative Hasegawa)*

- Requests that the National Aeronautics and Space Administration transfer one of the remaining Space Shuttle orbiters, Atlantis or Endeavour, to the Museum of Flight in Seattle upon its retirement.

**2SHB 2481: AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO ENTER INTO FOREST BIOMASS SUPPLY AGREEMENTS**

*Prime Sponsor: Representative Van De Wege*

*(SB 6236 Senator Hargrove)*

*\*Signed by the Governor*

- Allows the Department of Natural Resources (DNR) to enter into contracts for the purpose of providing a supply of forest biomass from lands managed by the department.
- Allows DNR to lease state lands for the conversion of biomass into energy or biofuels, for the development of a biorefinery, or for any other use derived from biomass.
- Authorizes DNR to establish a five-year forest health and fuel reduction supply agreement demonstration project.

**SHB 2503: REGARDING MEMBERSHIP ON THE BOARD OF NATURAL RESOURCES**

*Prime Sponsor: Representative Blake*

*\*Signed by the Governor*

- Changes the University of Washington's representative on the Board of Natural Resources (board) from the Dean of the College of Forest Resources to the Director of the School of Forest Resources. The entity formerly known as the College of Forest Resources is now a school within the College of the Environment.
- Changes Washington State University's representative on the board from the Dean of the College of Agriculture to the Dean of the College of Agriculture, Human, and Natural Resources Sciences. The entity formerly known as the College of Agriculture is now the College of Agriculture, Human, and Natural Resources Sciences.

**ESHB 2541: PROMOTING THE ECONOMIC SUCCESS OF THE FOREST PRODUCTS INDUSTRY**

*Prime Sponsor: Representative Takko*

*(SB 6256 Senator Jacobsen)*

*\*Signed by the Governor*

- Requires the Department of Natural Resources to develop landowner conservation proposals that support forest landowners by December 31, 2011.
- States the need for the University of Washington School of Forest Resources to continue to work with various entities to improve their ability to competitively recruit, educate, and train a high quality workforce.

**SHB 2593: CONCERNING THE DEPARTMENT OF FISH AND WILDLIFE'S ABILITY TO MANAGE SHELLFISH RESOURCES**

*Prime Sponsor: Representative Rolfes*

*\*Signed by the Governor*

- Prohibits a person from possessing shellfish gear that does not comply with applicable gear design requirements established by the Department of Fish and Wildlife (DFW) while that person is on a vessel.
  - Authorizes expansion of an existing program to recover derelict crab pots on the outer coast to also include Puget Sound.
  - Directs DFW to work with stakeholders to develop specified recommendations to facilitate the recovery of derelict shellfish gear.
- \*SSB 6676 is incorporated in its entirety into SHB 2593, as described below:*
- Increases the frequency by which a coastal Dungeness crab commercial fisher may change the vessel designated on a license.
- \*SB 6234 is incorporated in its entirety into SHB 2593, as described below:*
- Extends the authority and funding mechanisms for an existing industry funded license buyback program for the commercial sea urchin and sea cucumber dive fisheries.

**HB 2598: CONCERNING THE DISPOSAL OF DREDGED RIVERBED MATERIALS FROM THE MOUNT ST. HELEN'S ERUPTION**

*Prime Sponsor: Representative Takko*

*(SB 6386 Senator Hatfield)*

*\*Signed by the Governor*

- Allows a landowner who receives dredge material from the rivers adjacent to Mt. St. Helens before the end of the year 2035, to sell, transfer, or dispose of the materials without paying compensation to the Department of Natural Resources (DNR), as long as the materials have not already been sold or transferred prior to the effective date of the legislation.
- Removes the requirement that a landowner provide written notification to DNR before selling or using dredge materials from the rivers adjacent to Mt. St. Helens.

**HB 2659: MODIFYING REPORTING REQUIREMENTS FOR TIMBER PURCHASES**

*Prime Sponsor: Representative Ormsby*

*\*Signed by the Governor*

- Extends the Department of Revenue's (DOR) authority to collect timber purchase reports containing information about timber sales. DOR uses information from timber purchase reports to update the stumpage value tables used to calculate forest harvest excise tax.
- Specifies additional information to be included in the timber purchase report, and that timber purchase reports are confidential taxpayer information.

**EHB 2667: CONCERNING COMMUNICATIONS DURING A FOREST FIRE RESPONSE**

*Prime Sponsor: Representative Chandler*

*\*Signed by the Governor*

- Requires a dedicated radio frequency for fire mobilization during the initial response to a forest fire that crosses jurisdictional boundaries.
- Allows different initial response frequencies to be identified and used, as appropriate, in different geographic response areas.

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# TRANSPORTATION

786-7300

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**SB 5582: CONCERNING THE CHIEF FOR A DAY PROGRAM**

*Prime Sponsor: Senator Parlette*

*(HB 1785 Representative Armstrong)*

*\*Signed by the Governor*

- Authorizes the Washington State Patrol to participate in the chief for a day program, which will allow the Patrol to provide a day of special attention to chronically ill children.

**SSB 6109: CONCERNING THE WASHINGTON STATE FERRIES SYSTEM**

*Prime Sponsor: Senator Haugen*

*\*SSB 6109 is incorporated in part via similar provisions into ESHB 3209.*

**SSB 6207: ALLOWING LOCAL GOVERNMENTS TO CREATE GOLF CART ZONES**

*Prime Sponsor: Senator Haugen*

*(HB 3109 Representative Schmick)*

*\*Signed by the Governor/partial veto*

- Cities or counties may create golf cart zones by an ordinance or resolution that permits golf carts on public roads that have speed limits of 25 mph or less.
- Golf carts operating on public roads within golf cart zones are subject to the rules of the road, but are exempt from other motor vehicle provisions, except the seatbelt requirement.
- Golf carts operating on public roads within golf cart zones are subject to certain provisions related to safety equipment and operator qualifications.
- Local jurisdictions are given authority to regulate golf carts operating in golf cart zones in specified ways, including with regard to decal requirements and decal fees.
- Golf cart zones must be identified by signage, and accidents that involve golf carts operating on public roads within golf cart zones must be tracked under state reporting requirements.
- ~~Golf carts operating on public roads within golf cart zones are exempt from the child restraint (“car seat”) law.~~ (PV)

**SSB 6208: CONCERNING TEMPORARY AGRICULTURAL DIRECTIONAL SIGNS**

*Prime Sponsor: Senator Haugen*

*\*Signed by the Governor*

- A temporary agricultural directional sign may be placed within the state highway right-of-way if the sign does not create a safety concern.

**SB 6209: ALLOWING MONEYS PAID TO COUNTY ROAD FUNDS TO BE USED FOR PARK AND RIDE LOTS**

*Prime Sponsor: Senator Haugen*

*\*Signed by the Governor*

- Clarifies that the construction, maintenance, or improvement of park and ride lots is a county road purpose.

**SSB 6211: CREATING AN AGRICULTURAL SCENIC CORRIDOR WITHIN THE SCENIC AND RECREATIONAL HIGHWAY SYSTEM**

*Prime Sponsor: Senator Haugen*

*\*Signed by the Governor*

- A portion of State Route 5 in Skagit and Snohomish counties (Starbird Road to Bow Hill Road) is designated as part of the scenic and recreational highway system and as an agricultural scenic corridor.

**SSB 6213: CONCERNING VEHICLES AT RAILROAD GRADE CROSSINGS**

*Prime Sponsor: Senator Haugen*

*(HB 2441 Representative Clibborn)*

*\*Signed by the Governor*

- The list of vehicles required to stop at railroad crossings is modified, and the stopping requirements are clarified for vehicles carrying hazardous, explosive, or flammable substances.
- The list of railroad crossings that are exempt from the stopping requirement is modified.
- The State Patrol and the Superintendent of Public Instruction are each given rulemaking authority in certain instances.

**SSB 6271: CONCERNING ANNEXATIONS BY CITIES AND CODE CITIES LOCATED WITHIN THE BOUNDARIES OF A REGIONAL TRANSIT AUTHORITY**

*Prime Sponsor: Senator Murray*

*(HB 2574 Representative White)*

*\*Signed by the Governor*

- When an area outside of Regional Transit Authority (RTA) boundaries is annexed to a city or code city that is located within the boundaries of a RTA, the annexed area is simultaneously included within the boundaries of the RTA.
- From the effective date of the annexation, the annexed area is subject to the taxes, liabilities, and obligations imposed by the RTA within the city.

**SB 6279: CLARIFYING REGIONAL TRANSIT AUTHORITY FACILITIES AS ESSENTIAL PUBLIC FACILITIES**

*Prime Sponsor: Senator Kline*

*(HB 2573 Representative Simpson)*

*\*Signed by the Governor*

- Provides that Regional Transit Authority facilities are specifically identified as essential public facilities.

**SSB 6345: ADDRESSING THE USE OF WIRELESS COMMUNICATIONS DEVICES WHILE DRIVING**

*Prime Sponsor: Senator Eide*

*(HB 2635 Representative Carlyle)*

*\*Signed by the Governor*

- The holder of an instruction permit or an intermediate license may not use a cell phone or other wireless communication device while driving a motor vehicle.
- For all drivers, a violation of the laws relating to the use of a cell phone or other wireless communication devices while operating a moving motor vehicle may be enforced as a primary action.
- An exception is made if the wireless communication device is being used to report illegal activity, summon medical or other emergency help, or to prevent injury to a person or property.

**SSB 6346: EXPANDING THE USE OF CERTAIN ELECTRIC VEHICLES**

*Prime Sponsor: Senator Ranker*

*(HB 3079 Representative Morris)*

*\*Signed by the Governor*

- In counties consisting of islands whose only connection to the mainland are ferry routes, a person may operate a neighborhood electric vehicle (NEV) or medium-speed electric vehicle (MEV) on roads that have a speed limit of 45 mph or less. Currently, the increased speed limit in this provision will apply to only San Juan County.
- The Department of Licensing is required to track all Washington-registered NEVs and MEVs in a separate registration category. In addition, accidents that involve NEVs or MEVs must be tracked separately.

**SSB 6356:                   LIMITING ACCESS TO LAW ENFORCEMENT AND EMERGENCY EQUIPMENT AND VEHICLES**

*Prime Sponsor: Senator Kilmer*

*\*Signed by the Governor*

- Law enforcement and emergency agencies must remove all equipment from vehicles prior to disposal that would identify the vehicle as a law enforcement or emergency vehicle.

**SSB 6363:                   CONCERNING THE ENFORCEMENT OF CERTAIN SCHOOL OR PLAYGROUND CROSSWALK VIOLATIONS**

*Prime Sponsor: Senator Marr*

*(HB 2739 Representative Simpson)*

*\*Signed by the Governor*

- Drivers who commit certain infractions related to pedestrians or bicycles in school, playground, or crosswalk speed zones receive twice the scheduled penalty for the infraction.
- Fifty percent of the money collected from the infractions is deposited into the School Zone Safety Account.
- Adult crossing guards who observe pedestrian or bicycle-related violations may prepare a written report to law enforcement.

**SB 6379:                   STREAMLINING AND MAKING TECHNICAL CORRECTIONS TO VEHICLE AND VESSEL REGISTRATION AND TITLE PROVISIONS**

*Prime Sponsor: Senator Swecker*

*\*Signed by the Governor*

- Streamlines and reorganizes numerous vehicle and vessel title and registration statutes, including applicable tax and fee statutes.

**ESSB 6381:                MAKING 2009-11 SUPPLEMENTAL TRANSPORTATION APPROPRIATIONS**

*Prime Sponsor: Senator Haugen*

*(HB 2838 Representative Clibborn)*

*\*Signed by the Governor/partial veto*

- The 2009-11 biennial appropriations for various transportation agencies and programs are modified.
  - *The Governor vetoed nine items to the 2010 supplemental transportation appropriations. (PV)*
- \*ESSB 6381 is incorporated in part into ESHB 3209.*

**ESSB 6392:                CLARIFYING THE USE OF REVENUE GENERATED FROM TOLLING THE STATE ROUTE NUMBER 520 CORRIDOR**

*Prime Sponsor: Senator Tom*

*(HB 2929 Representative Eddy)*

*\*Signed by the Governor/partial veto*

- Expands the use of bond proceeds backed by revenue generated from tolls on the SR 520 corridor.
- Requires the SR 520 bridge replacement project to include certain elements to be (1) completed within the \$4.65B cost constraints, and (2) consistent with legislative intent that cost savings remain within the corridor and that the bridge open to traffic in 2014.
- ~~Provides legislative intent language. (PV)~~
- ~~Requires the SR 520 bridge to be no higher than 20 feet. (PV)~~

**ESSB 6499: CONCERNING THE ADMINISTRATION, COLLECTION, USE, AND ENFORCEMENT OF TOLLS**

Prime Sponsor: Senator Murray

(SHB 2897 Representative Rolfes)

*\*Signed by the Governor*

- Allows a person to pay their toll up to 80 days after crossing a toll facility. If a toll remains unpaid after 80 days a civil penalty is incurred and a person would need to go through a Washington State Department of Transportation (WSDOT) administrative adjudication process to resolve the civil penalty.
- The civil penalty is set at \$40, plus the original toll amount, plus any fees as set by the Transportation Commission. The civil penalty is paid to WSDOT and used for expenditures relating to the facility on which the civil penalty was incurred.
- Expenditures and revenues that benefit multiple toll facilities may be deposited into the central toll account, and then apportioned to the appropriate facility.

**SSB 6510: EXTENDING STATE ROUTE NUMBER 166**

Prime Sponsor: Senator Kilmer

*\*Signed by the Governor*

- Extends SR 166 for approximately 600 feet to the current eastern city limits of Port Orchard.

**SB 6555: REMOVING STATE ROUTE NUMBER 908 FROM THE STATE HIGHWAY SYSTEM**

Prime Sponsor: Senator Tom

(HB 2918 Representative Eddy)

*\*Signed by the Governor*

- Removes SR 908 from the state highway system.

**SSB 6558: CONCERNING PETITIONS FOR ADMINISTRATIVE REVIEW OF RAILROAD CROSSING CLOSURES**

Prime Sponsor: Senator Haugen

*\*Signed by the Governor*

- The Secretary of Transportation (Secretary) may file the petition for railroad crossing closure when the closure is adjacent to a Department of Transportation (DOT)-managed project that is at least partially state-funded and the closure is part of the project.
- If another entity files a petition for closure in such a case, the Secretary must intervene if the petition is contested.
- If, in such a case, DOT is not the lead agency under the State Environmental Policy Act, the lead agency must intervene if the closure is contested.

**SSB 6570: ALLOWING CERTAIN PRIVATE TRANSPORTATION PROVIDERS TO USE CERTAIN PUBLIC TRANSPORTATION FACILITIES**

Prime Sponsor: Senator Haugen

*\*SSB 6570 is incorporated in part into the transportation budget as ~~two~~ ~~provisos~~ a proviso.*

- As a pilot project for the 2009-2011 biennium, when the Department of Transportation reserves a portion of a highway based on the number of passengers in a vehicle, certain private transportation provider vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle.
- By June 30, 2011, the Department of Transportation must report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes.
- ~~As a pilot project for the 2009-2011 biennium, to receive grant funding from a program administered by the public transportation office of the Department of Transportation, the local jurisdiction in which the applicant is located must be able to show that it has in place an application process for the reasonable use by private~~

transportation providers of high occupancy vehicle lanes, transit only lanes, and certain park and ride facilities that are regulated by the local jurisdiction. If a private transportation provider clearly demonstrates that the local jurisdiction failed to consider an application in good faith, the department may not award the jurisdiction any grant funding. (Not directed in the budget)

**SSB 6577: MODIFYING THE TRANSPORTATION SYSTEM POLICY GOALS**

*Prime Sponsor: Senator Kastama*

*\*Signed by the Governor*

- Adds the statewide transportation system policy goal of economic vitality.

**SB 6603: CONCERNING LAND USES ADJACENT TO GENERAL AVIATION AIRPORTS**

*Prime Sponsor: Senator Marr*

*\*ESSB 6603 is incorporated in part into the transportation budget as a proviso.*

- The Department of Transportation must develop a consultation process to assist local agencies to identify land uses that may be incompatible with airports.

**SSB 6649: STREAMLINING THE CONTENT AND RELEASE REQUIREMENTS OF DRIVING RECORD ABSTRACTS**

*Prime Sponsor: Senator King*

*\*SSB 6649 is incorporated in its entirety into SHB 2939.*

**ESSB 6774: CONCERNING TRANSPORTATION BENEFIT DISTRICTS**

*Prime Sponsor: Senator Marr*

*\*Signed by the Governor*

- Provides an alternative governance structure for a Transportation Benefit District that includes an area within more than one jurisdiction.

**SB 6815: CONCERNING HEALTH CARE BENEFITS FOR MARINE EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION**

*Prime Sponsor: Senator Haugen*

*(HB 3163 Representative Clibborn)*

*\*SB 6815 is incorporated in its entirety into ESHB 3209.*

**SB 6826: INCREASING CERTAIN FEES OF LICENSING SUBAGENTS**

*Prime Sponsor: Senator Swecker*

*(HB 3165 Representative O'Brien)*

*\*Signed by the Governor/partial veto*

- Increases fees that subagents currently charge for processing vehicle registrations and title transactions.
- The Department of Licensing is required to provide a rotating list of subagents on their website. (PV)

**HB 1576: DETERMINING THE AMOUNT OF MOTOR VEHICLE FUEL TAX MONEYS DERIVED FROM TAX ON MARINE FUEL**

*Prime Sponsor: Representative Clibborn*

*(SB 5494 Senator Haugen)*

*\*Signed by the Governor*

- The requirement for the Department of Licensing to determine the amount of motor vehicle fuel tax collected on marine fuel is removed.
- The amount of motor vehicle fuel tax collected on marine fuel is deemed to be 1 percent, and the amount must be deposited into the Marine Fuel Tax Refund Account.

**2SHB 1591: CONCERNING THE USE OF CERTAIN TRANSPORTATION BENEFIT DISTRICT FUNDS**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- Revenues raised by a Transportation Benefit District (TBD) may be used for transportation improvements identified in the transportation plan of a city, county, or other eligible jurisdiction of the TBD, in addition to the state or regional transportation planning organizations.
- Impact fees may be used on state or local facilities.
- Sales and use tax may be authorized for more than 10-years if the revenues are dedicated to the repayment of general obligation bonds.

**HB 1966: ADDING WHEELCHAIR USERS TO THE TYPES OF INDIVIDUALS FOR WHOM DRIVERS MUST TAKE ADDITIONAL PRECAUTIONS**

*Prime Sponsor: Representative McCoy*

*\*Signed by the Governor*

- Wheelchair users, including power wheelchair users, are added to the list of pedestrians for whom drivers have a higher duty of care.
- Drivers who fail to take all necessary precautions are liable in damages for any injury caused to wheelchair users.
- It is unlawful for a driver to enter a crosswalk when a wheelchair user is in the crosswalk.

**SHB 2179: AUTHORIZING CITIES LOCATED IN COUNTIES HAVING A POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND TO PROVIDE AND CONTRACT FOR SUPPLEMENTAL TRANSPORTATION IMPROVEMENTS**

*Prime Sponsor: Representative Eddy*

*\*Signed by the Governor*

- Cities that are located within counties with a population of 1.5 million people may provide or contract for supplemental transit service.

**HB 2271: AUTHORIZING STATE FORCES TO PERFORM WORK ON FERRY VESSELS OR TERMINALS WHEN ESTIMATED COSTS ARE LESS THAN ONE HUNDRED TWENTY THOUSAND DOLLARS**

*Prime Sponsor: Representative Liias*

*\*HB 2271 is incorporated via similar provisions into ESHB 3209.*

**2SHB 2436: CONCERNING VEHICLE LICENSE FRAUD**

*Prime Sponsor: Representative Moeller*

*(SSB 6693 Senator Pridemore)*

*\*Signed by the Governor*

- Clarifies current law and changes the penalty for licensing a vehicle in another state to avoid paying taxes and fees.
- Provides an appropriation for the Washington State Patrol's Vehicle License Fraud program.

**ESHB 2464: IMPLEMENTING RULES AND PENALTIES FOR DRIVERS WHEN APPROACHING CERTAIN EMERGENCY, ROADSIDE ASSISTANCE, OR POLICE VEHICLES IN EMERGENCY ZONES**

*Prime Sponsor: Representative Liias*

*(SSB 6231 Senator Marr)*

*\*Signed by the Governor*

- Establishes a 200-foot emergency zone around stationary emergency and roadside assistance vehicles responding to an incident.
- Doubles the monetary penalties for speeding or failing to yield in an emergency zone.
- Creates the new crime of reckless endangerment of emergency zone workers for persons driving in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker.

**HB 2592: PROHIBITING INCENTIVE TOWING PROGRAMS FOR PRIVATE PROPERTY IMPOUNDS**

*Prime Sponsor: Representative Hunt*

*\*Signed by the Governor*

- Makes it a gross misdemeanor for a registered tow truck operator to offer incentives in order to authorize impounds on private property.

**ESHB 2716: PROVIDING A RIGHT OF FIRST REPURCHASE FOR SURPLUS TRANSPORTATION PROPERTY**

*Prime Sponsor: Representative Shea*

*\*ESHB 2716 is incorporated into the transportation budget as a proviso.*

- Requires that the Department of Transportation notify and offer a first right to purchase land to the prior owner if the land was taken through condemnation.

**HB 2734: ALLOWING FEDERALLY QUALIFIED COMMUNITY HEALTH CENTERS TO BUY SURPLUS REAL PROPERTY FROM THE DEPARTMENT OF TRANSPORTATION**

*Prime Sponsor: Representative Kagi*

*(SB 6825 Senator Fairley)*

*\*Signed by the Governor*

- Until June 30, 2012, WSDOT may transfer surplus property, without the solicitation of bids, to a federally qualified nonprofit community health organization for use as a community health center.

**SHB 2939: CONCERNING NOTATIONS ON DRIVER ABSTRACTS THAT A PERSON WAS NOT AT FAULT IN A MOTOR VEHICLE ACCIDENT**

*Prime Sponsor: Representative Dammeier*

*\*Signed by the Governor/partial veto*

- When a driving record is requested for employment purposes and the driver was involved in an accident, the driver may provide documentation that they were not at fault and have it noted in the record.
- ~~This act is null and void if not funded in the transportation budget.~~ (PV)

*\*SSB 6649 is incorporated in its entirety into SHB 2939, as described below:*

- Rewrites the driving record abstracts in plain language.

**HB 3007: AUTHORIZING AIRPORT OPERATORS TO MAKE AIRPORT PROPERTY AVAILABLE AT LESS THAN FAIR MARKET RENTAL VALUE FOR PUBLIC RECREATIONAL OR OTHER COMMUNITY USES**

*Prime Sponsor: Representative Upthegrove*

*\*Signed by the Governor*

- Cities, towns, and port districts that have airports are authorized to make airport property available for public recreational or other community uses at less than fair market rental value.

**ESHB 3209: MANAGING COSTS OF THE FERRY SYSTEM**

*Prime Sponsor: Representative Clibborn*

*\*Signed by the Governor/partial veto*

- The collective bargaining process for WSF unions is modified.
- JTC ferry study recommendations are implemented.
- Bid limits for work by state forces at Eagle Harbor Maintenance Facility are increased for the 2009-11 biennium.
- ~~Free ferry passage may not be provided to current and former employees and their families effective with new collective bargaining agreements.~~ (PV)

*\*ESSB 6381 is incorporated in part into ESHB 3209, as described below:*

- ~~The operating and capital appropriations for WSF are adjusted.~~ (PV)

*\*SB 6815 is incorporated in its entirety into ESHB 3209, as described below:*

- WSF unions are made a part of the super-coalition for health care bargaining.

*\*SSB 6109 is incorporated in part via similar provisions into ESHB 3209, as described below:*

- The collective bargaining process for WSF unions is modified.
- JTC ferry study recommendations are implemented.
- Bid limits for work by state forces at Eagle Harbor Maintenance Facility are increased.

*\*HB 2271 is incorporated in part via similar provisions into ESHB 3209, as described below:*

- The collective bargaining process for WSF unions is modified.
- JTC ferry study recommendations are implemented.
- Bid limits for work by state forces at Eagle Harbor Maintenance Facility are increased.

**SHJM 4004: NAMING A CERTAIN PORTION OF STATE ROUTE NUMBER 110 THE "OPERATIONS DESERT SHIELD AND DESERT STORM MEMORIAL HIGHWAY"**

*Prime Sponsor: Representative Van De Wege*

- The Transportation Commission is asked to name State route 110 by and through the Quileute Indian Reservation in the community of La Push the Operations Desert Shield and Desert Storm Memorial Highway.

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## **WAYS & MEANS**

**786-7715**

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### **ESSB 5902: PROMOTING ACCESSIBLE COMMUNITIES FOR PERSONS WITH DISABILITIES**

*Prime Sponsor: Senator Pridemore*

*(SHB 1739 Representative Wallace)*

*\*Signed by the Governor*

- Counties may expand an existing committee or create a new Accessible Communities Advisory Committee, which will work to promote awareness of disability issues.
- The Governor's Committee on Disability Issues and Employment must oversee grant funding for proposals from Accessible Community Advisory Committees.
- Funds for the grant program come from a \$200 assessment added to the penalty for parking or blocking a space reserved for persons with physical disabilities. One hundred dollars of the assessment must be placed in the Accessible Communities Account, which is created in the bill. The remainder of the penalty must be placed into the Multimodal Account, to be spent on grants for special needs transportation.

### **ESSB 6130: AMENDING PROVISIONS RELATED TO INITIATIVE MEASURE NO. 960**

*Prime Sponsor: Senator Prentice*

*\*Signed by the Governor*

- Suspends the two-thirds majority necessary to approve raising taxes and the tax advisory vote provisions until July 1, 2011.

### **2ESSB 6143: MODIFYING EXCISE TAX LAWS TO PRESERVE FUNDING FOR PUBLIC SCHOOLS, COLLEGES, AND UNIVERSITIES, AS WELL AS OTHER PUBLIC SYSTEMS ESSENTIAL FOR THE SAFETY, HEALTH, AND SECURITY OF ALL WASHINGTONIANS**

*Prime Sponsor: Senator Prentice*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- For purposes of imposing the B&O tax on service activities and the activity of receiving royalty income, a business or individual will have substantial nexus with the state if the individual or business meets certain economic thresholds.
- Provides the Department of Revenue authority to disregard 3 specific types of tax avoidance transactions. Creates legislative oversight committee.
- B&O exemption for firms that sell into Washington using direct seller's representatives is eliminated. For periods prior to April 1, 2010, the exemption is retroactively limited to consumer products.
- The deduction for bad debts is expressly limited to the seller.
- DOR is allowed to pursue uncollected sales taxes of a terminated or insolvent limited liability business from the chief executive or chief financial officer, or other persons responsible for paying the taxes.
- The fees paid to members of corporate boards of directors are explicitly subject to tax under the service and other classification at the 1.5 percent tax rate.
- Gross revenue for purpose of the PUD privilege tax applies to all charges for electricity including recurring charges as a condition of receiving the electricity.
- Businesses that pay the B&O tax at the service rate of 1.5 percent will have an increase of .3 percent for three years. Hospitals and certain R&D are exempt from the increase. In addition, the small business tax credit for these businesses is double to be worth a maximum of \$70 a month from \$35 a month. The small business tax credit is a permanent change.

- The B&O exemption for amounts received by a property management company from the owner of a property for gross wages and benefits paid to on-site personnel is limited to only apply to nonprofit property management companies and property management companies that work for a housing authority.
- From June 1, 2010, to June 30, 2013, the beer tax is increased by 50 cents per gallon. Smaller breweries are exempt from the tax increase.
- Beginning July 1, 2010, to June 30, 2013, increases the tax on carbonated beverages by 2 cents per 12 oz. bottle. The first \$10 million in sales is exempt from the tax increase.
- For purposes of the sales tax exemption for datacenters the definition of qualifying business is amended so that a lessee of at least 20,000 sq. ft. of space within an eligible computer data center can qualify for the exemption. The job provisions are amended to provide associated definitions regarding the requirement to increase employment by 35 family wage jobs.
- Candy and gum are subject to the sales tax. A \$1,000 per job B&O tax credit is provided to candy manufacturers for two years.
- The sales and use tax exemption for equipment and facilities used for handling livestock nutrients at dairies and livestock feeding operations is suspended for three years.
- The B&O preferential tax rate (0.138 percent) for meat processing to the manufacturing of perishable meat products, dehydrated, cured, or smoked meat products, and hides, tallow, and other meat by-products is expressly limited to those activities creating a final product which is at least 50 percent fruit and vegetables to qualify for the preferential tax rate.
- The B&O tax deduction for interest income on first mortgages is clarified to mean the portion of fees charged to borrowers, including points and origination fees, that are recognized over the life of the loan as an adjustment to yield using generally accepted accounting principles.

**SB 6206:                    AUTHORIZING EXTENSIONS OF THE DUE DATES FOR FILING TAX INCENTIVE ACCOUNTABILITY REPORTS AND SURVEYS WITH THE DEPARTMENT OF REVENUE**

*Prime Sponsor: Senator Haugen*

*\*Signed by the Governor*

- Taxpayers who have timely filed all earlier annual reports and surveys may request a 90-day extension of the filing date for annual accountability reports or surveys.

**SB 6218:                    AUTHORIZING USE OF VOTER APPROVED LOCAL EXCESS TAX LEVIES TO PAY FINANCING CONTRACTS UNDER THE LOCAL OPTION CAPITAL ASSET LENDING PROGRAM AND CLARIFYING WHICH "OTHER AGENCIES" MAY PARTICIPATE IN THE PROGRAM**

*Prime Sponsor: Senator Fraser*

*(HB 2451 Representative Dunshee)*

*\*Signed by the Governor*

- Local governments are allowed to use the State Treasurer's Office pooled financing program, created in 1989, for voter approved bonds payable from excess property tax levies.

**SB 6220:                    CONCERNING DETERMINATION OF THE TERMS AND CONDITIONS OF BONDS, NOTES, AND OTHER EVIDENCES OF INDEBTEDNESS OF THE STATE OF WASHINGTON**

*Prime Sponsor: Senator Fraser*

*(HB 2452 Representative Dunshee)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- Modifies the powers and duties of the State Finance Committee and the State Treasurer as they relate to the issuance of state bonds and other evidences of indebtedness.

**2ESB 6221: CONCERNING CLARIFICATION AND EXPANSION OF ELIGIBILITY TO USE THE STATE'S LOCAL GOVERNMENT INVESTMENT POOL**

*Prime Sponsor: Senator Fairley*

*(HB 2450 Representative McCoy)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The list of public entities authorized to participate in the Local Government Investment Pool is expanded to include federally recognized tribes, state agencies, and any entity issuing a financing contract approved by the State Finance Committee.

**SSB 6339: CONCERNING A SALES AND USE TAX EXEMPTION FOR WAX AND CERAMIC MATERIALS USED TO CREATE MOLDS FOR FERROUS AND NONFERROUS INVESTMENT CASTINGS**

*Prime Sponsor: Senator Hobbs*

*(HB 3033 Representative Sells)*

*\*Signed by the Governor*

- A sales tax exemption is provided for wax and ceramic materials used to make molds for creating ferrous and nonferrous investment castings used in industrial applications.
- The exemption also applies to labor or services used to create wax patterns and ceramic shells for ferrous and nonferrous investment castings.
- The exemption expires June 30, 2015.

**SSB 6382: REDUCING THE COST OF STATE GOVERNMENT OPERATIONS BY RESTRICTING COMPENSATION**

*Prime Sponsor: Senator Prentice*

*\*Signed by the Governor*

- Extends the salary freeze that was enacted in 2009 for at-will exempt and Washington Management Service employees through June 30, 2011.
- Provides an exception for the salary freeze for specified retention and recruiting purposes.
- Prohibits cash recognition awards for the remainder of the biennium.

**E2SSB 6409: CREATING THE WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT**

*Prime Sponsor: Senator Kastama*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor/partial veto*

- Establishes a new dedicated account to finance early childhood education; financial aid for persons pursuing higher education; recruitment of entrepreneurial researchers; and innovation partnership zones.
- Dedicates all profits from the Washington State Lottery to the new account (except for a portion dedicated to treatment of problem gambling, and amounts previously committed to repayment of debt on public sports stadiums).
- Transfers \$102 million from the state General Fund to the Education Construction Account, to replace revenue previously received from the state lottery.
- Directs the State Lottery Commission to immediately develop a plan for effectively marketing the lottery as an essential component of Washington's Opportunity Pathways programs.
- ~~Requires a JLARC audit by November 2010 of lottery marketing and vendor expenditures and incentive payment provisions.~~ (PV)
- Legislation is expected to result in a \$15 million (15 percent) increase in net lottery revenue during the next year.

**ESSB 6444: MAKING 2010 SUPPLEMENTAL OPERATING APPROPRIATIONS**

Prime Sponsor: Senator Prentice

(SHB 2824 Representative Linville)

\*Passed during the 1st 2010 Special Session

\*Signed by the Governor/partial veto

- Modifying 2009-11 supplemental operating appropriations for state agencies and institutions of higher education.
- The Governor vetoed approximately 60 sections of the operating budget. The state General Fund impact of the vetoes reduces GF-S reserves by approximately \$27 million, bringing the total expected GF-S reserves down to around \$452 million. (PV)
- A copy of the Governor's veto message can be found at: <http://www.governor.wa.gov/billaction/2010/veto/6444.pdf>

**SB 6453: ADDRESSING SHARED LEAVE FOR MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM, PLAN 2**

Prime Sponsor: Senator Hobbs

(HB 2492 Representative Simpson)

\*Signed by the Governor

- Permits employer-authorized shared leave received by members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 who are employed by local governments to be included in calculating service credit and final average salary in the same manner as annual leave and sick leave.

**ESSB 6503: CLOSING STATE AGENCIES ON SPECIFIED DATES**

Prime Sponsor: Senator Prentice

\*Passed during the 1st 2010 Special Session

\*Signed by the Governor/partial veto

- Requires state agencies and institutions of higher education to adopt compensation reduction plans to reduce state expenditures. Agencies and institutions that do not adopt approved plans are subject to 10 specified closure dates.
- Exceptions are provided for a variety of essential services, public safety agencies, direct patient care, etc.
- The Governor vetoed a section requiring compensation reductions of at least \$10 million in exempt employee positions, including the Washington Management Service. (PV)

**SB 6546: ALLOWING THE STATE DIRECTOR OF FIRE PROTECTION TO REFUSE MEMBERSHIP IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Prime Sponsor: Senator Pridemore

(HB 2862 Representative Van De Wege)

\*Signed by the Governor

- Permits individuals employed as the State Fire Marshal that were previously members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) to remain members of LEOFF 2 instead of joining the Public Employees' Retirement System (PERS).

**SSB 6572: ELIMINATING CERTAIN ACCOUNTS**

Prime Sponsor: Senator Tom

\*Passed during the 1st 2010 Special Session

\*Signed by the Governor/partial veto

- 18 inactive state funds and accounts are abolished.
- Double amendment issue. (PV)

**SSB 6614: CLARIFYING THE APPLICABILITY OF BUSINESS AND OCCUPATION TAX TO CONSERVATION PROGRAMS WITH THE BONNEVILLE POWER ADMINISTRATION**

*Prime Sponsor: Senator Pridemore*

*(HB 2951 Representative Takko)*

*\*Signed by the Governor*

- Credits or funds provided by the Bonneville Power Administration for the purposes of implementing energy conservation programs or demand-side management programs are exempt from the business and occupation tax.
- The exemption from the business and occupation tax expires June 30, 2015.

**SSB 6712: EXTENDING EXPIRING TAX INCENTIVES FOR CERTAIN CLEAN ALTERNATIVE FUEL VEHICLES, PRODUCERS OF CERTAIN BIOFUELS, AND FEDERAL AVIATION REGULATION PART 145 CERTIFICATED REPAIR STATIONS**

*Prime Sponsor: Senator Hobbs*

*(HB 3053 Representative Kenney)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The expiration date for FAR part 145 certified repair stations is extended to from July 1, 2011, to July 1, 2024.
- The sales and use tax exemption for new passenger cars, light duty trucks, and medium duty passenger vehicles exclusively powered by a clean alternative fuel is extended from January 1, 2011, to July 1, 2015. Also included are certain used cars that have been retrofitted to be clean alternative fuel vehicles.
- The application deadline for the six-year property tax and leasehold excise tax exemptions for new or expanded manufacturing facilities producing alternative fuels is extended from December 31, 2009, to December 31, 2015.

**SSB 6727: CONCERNING HEALTH SCIENCES AND SERVICES AUTHORITIES**

*Prime Sponsor: Senator Marr*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- A Health Science and Services Authority is allowed to borrow money and incur indebtedness if the creating local government authorizes it through ordinance.
- No more than 10 percent of the tax distribution an authority receives may be used for staff or for contracting with other individuals.
- One more local jurisdiction in eastern Washington may create a health science and service authority. The additional authority may not receive funds from a credit against the state portion of the sales tax generated in the local jurisdiction.

**ESSB 6737: PROVIDING AN EXEMPTION FROM PROPERTY TAX FOR AIRCRAFT USED TO PROVIDE AIR AMBULANCE SERVICES**

*Prime Sponsor: Senator Marr*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- A property tax exemption and an aircraft excise tax exemption are provided for aircraft owned by a nonprofit exempt from federal income tax and used exclusively to provide emergency medical transportation services.

**ESSB 6789: CONCERNING SALES AND USE TAX EXEMPTIONS FOR CERTAIN EQUIPMENT AND INFRASTRUCTURE CONTAINED IN DATA CENTERS**

*Prime Sponsor: Senator Prentice*

*(HB 3147 Representative Ormsby)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- A sales and use tax exemption is provided for eligible server equipment and power infrastructure for eligible computer data centers. The exemption expires on April 1, 2018.
- In order to qualify a data center must:
  - be located in a rural county;
  - have at least 20,000 square feet dedicated to housing servers; and
  - have commenced construction between April 1, 2010, and before July 1, 2011.

**SSB 6831: CONCERNING ESTATES AND TRUSTS**

*Prime Sponsor: Senator Parlette*

*\*Signed by the Governor*

- A will or trust of a decedent who dies after December 31, 2009, but before January 1, 2011, will be deemed to refer to the federal estate and generation-skipping transfer tax laws as they applied with respect to estates of decedents dying on December 31, 2009, if the will or trust: (1) contains a formula referring to the unified credit, estate tax exemption, applicable exemption amount, applicable credit amount, applicable exclusion amount, generation-skipping transfer tax exemption, GST exemption, marital deduction, maximum marital deduction, or unlimited marital deduction; (2) measures a share of an estate or trust based on the amount that can pass free of federal estate taxes or the amount that can pass free of federal generation-skipping transfer taxes; or (3) is otherwise based on a similar provision of federal estate tax or generation-skipping transfer tax law.

**SB 6833: ADDRESSING THE MANAGEMENT OF FUNDS AND ACCOUNTS BY THE STATE TREASURER**

*Prime Sponsor: Senator Tom*

*(HB3174 Representative Linville)*

*\*Signed by the Governor*

- Funds and accounts under the custody of the State Treasurer may be comingled for cash management purposes with funds and accounts held in the state treasury. An agency with a local account may place the account under the management authority of the State Treasurer, where it may be comingled with other funds for cash management purposes.

**SSB 6846: CONCERNING ENHANCED 911 EMERGENCY COMMUNICATIONS SERVICES**

*Prime Sponsor: Senator Brandland*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The amount a county may impose for the E-911 excise tax for each switched access lines, radio access lines, and interconnected voice over internet protocol (VOIP) service line is increased by 20 cents to a total of 70 cents.
- The amount the state may impose for the E-911 excise tax for each switched access lines, radio access lines, and interconnected VOIP service line is increased by 5 cents to a total of 25 cents.
- Counties imposing an E-911 excise tax must contract with the Department of Revenue for the administration and collection of the tax prior to the effective date of a resolution or ordinance imposing the tax.

**SB 6855: EXEMPTING COMMUNITY CENTERS FROM PROPERTY TAXATION AND IMPOSING LEASEHOLD EXCISE TAXES ON SUCH PROPERTY**

*Prime Sponsor: Senator McDermott*

*\*Signed by the Governor*

- A property tax exemption is provided for certain community centers. The property tax exemption is in effect for 40 years from the time of acquisition.
- The leasehold excise tax applies to the rental of property from a community center that is otherwise exempt from property taxation under this law.
- Community centers effected by this legislation are those that include a building or buildings determined to be surplus to the needs of a school district and purchased by a nonprofit organization for the purpose of converting them into community facilities for the delivery of nonresidential coordinated services for community members. The community center may make space available to businesses, individuals, or other parties through the loan or rental of space in or on the property.

**ESSB 6872: CONCERNING MEDICAID NURSING FACILITY PAYMENTS**

*Prime Sponsor: Senator Keiser*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor/partial veto*

- The seven rate components of the nursing home payment system administered through the Department of Social and Health Services Aging and Disability Services Administration are substantially revised.
- The variable return component will be funded at 30 percent of its level under current law and will be repealed on July 1, 2011.
- Minimum occupancy in the operations, property, and finance components will be increased to 92 percent for certain large community providers. ~~The return on investment for all assets is reduced to 4.0 percent.~~ (PV)
- Facilities are no longer permitted to bank beds (temporarily reducing the number of patient beds for which they are licensed) which, under current statute, reduces the effects of minimum occupancy.
- Consistent with the underlying bill, the cycle for case mix adjustments is changed to every six months instead of every quarter.

**SSB 6884: CONCERNING THE PRACTICE OF COUNSELING**

*Prime Sponsor: Senator Hargrove*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- For the purpose of credentialing, agency affiliated counselors will now include juvenile probation officers and juvenile court employees who provide evidence based programs approved by the juvenile rehabilitation administration of the Department of Social and Health Services.

**SSB 6889: CONCERNING THE GOVERNANCE AND FINANCING OF THE WASHINGTON STATE CONVENTION AND TRADE CENTER**

*Prime Sponsor: Senator McDermott*

*(SHB 3027 Representative Ormsby)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- An additional public facilities district (PFD) may be created to acquire, own, and operate the Washington State Convention and Trade Center (Center). The new PFD is to be governed by a nine-member board with three members each appointed by the Governor, King County, and the city of Seattle.
- The Center will be transferred to the new PFD when provision has been made for all outstanding debt of the Center to be redeemed, prepaid, or defeased; transfer of the Center accounts; and settlement of a lawsuit related to the transfer of convention center funds.
- The new PFD is authorized to impose lodging taxes that currently support the Center, including a credit against the state sales tax; the new PFD will make an annual payment to the state equal to the state sales tax credit. If the new PFD cannot make the annual payment the deficiency will be a loan from the state.

**SJR 8225: RESOLVING TO DEFINE "INTEREST" IN THE STATE CONSTITUTION**

*Prime Sponsor: Senator Fraser*

*(HJR 4222 Representative Ormsby)*

*\*Passed during the 1st 2010 Special Session*

- Amends the definition of interest payments for purposes of determining compliance with the constitutional debt limit. Interest payments would exclude the amount paid by the federal government under a program of direct subsidy of interest payments for state and local governments.

**HB 1541: GRANTING HALF-TIME SERVICE CREDIT FOR HALF-TIME EDUCATIONAL EMPLOYMENT PRIOR TO JANUARY 1, 1987, IN PLANS 2 AND 3 OF THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

*Prime Sponsor: Representative Seaquist*

*(SB 5302 Senator Kilmer)*

*\*Signed by the Governor*

- Directs the Department of Retirement Systems to recalculate the retirement system service credit for currently active members of the Public Employees' Retirement System (PERS) and the School Employees' Retirement System (SERS) who worked in an eligible school district position before 1987.
- Increases the service credited to a PERS or SERS member to a half year for years in which the member was employed for at least nine months and worked at least 630 hours in an eligible position with an educational employer.

**SHB 1545: AUTHORIZING THE HIGHER EDUCATION COORDINATING BOARD TO OFFER HIGHER EDUCATION ANNUITIES AND RETIREMENT INCOME PLANS**

*Prime Sponsor: Representative Conway*

*(SB 5308 Senator Schoesler)*

*\*Signed by the Governor*

- Authorizes the Higher Education Coordinating Board (HECB) to offer employees participation in a higher education retirement plan, rather than the Public Employees' Retirement System, if they have previously contributed to a similar plan.
- The HECB may not offer membership in the higher education retirement plan to employees who have already earned a retirement benefit in another state retirement system.

**E2SHB 1597: Improving the administration of state and local tax programs without impacting tax collections by providing greater consistency in numerous tax incentive programs, revising provisions relating to the confidentiality and disclosure of tax information, and amending statutes to improve clarity and consistency, eliminate obsolete provisions, and simplify administration.**

*Prime Sponsor: Representative Springer*

*(SSB 5569 Senator Hobbs)*

*\*Signed by the Governor*

- Technical corrections and statutory clarifications are made to various provisions related to excise, estate, and property tax laws. These changes include: (1) correcting drafting errors, structural problems such as RCW strings that are not in numeric order, inaccurate references to terms that have been changed, and inaccurate cross-references; (2) adding or modifying language to clarify statutory provisions; and (3) repealing several obsolete provisions of code.

**SHB 1679: REIMBURSING MEDICAL EXPENSES FOR CERTAIN TOTALLY DISABLED PUBLIC SAFETY PERSONNEL**

*Prime Sponsor: Representative Simpson*

*(SB 5541 Senator Keiser)*

*\*Signed by the Governor*

- Reimburses members of the Law Enforcement Officers' and Firefighters' Retirement System Plan 2 (LEOFF Plan 2) and the Washington State Patrol Retirement System who were totally disabled in the line of duty for any payments made for employer-provided medical insurance.
- LEOFF Plan 2 members must enroll in Medicare Plans A and B, if they are eligible, in order to qualify for the reimbursement.

**SHB 2196: INCLUDING SERVICE CREDIT TRANSFERRED FROM THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM PLAN 1 IN THE DETERMINATION OF ELIGIBILITY FOR MILITARY SERVICE CREDIT**

*Prime Sponsor: Representative Ericks*

*\*Signed by the Governor*

- Permits service credit transferred from the Law Enforcement Officers' and Firefighters' Retirement System Plan 1 (LEOFF 1) to the Public Employees' Retirement System Plan 1 (PERS 1) between July 1, 1997, and July 1, 1998, to be counted in meeting the 25-year service requirement for a PERS 1 member to qualify for service credit for non-interruptive military service.

**EHB 2360: CONCERNING CONSOLIDATION OF ADMINISTRATIVE SERVICES FOR AIDS GRANTS IN THE DEPARTMENT OF HEALTH**

*Prime Sponsor: Representative Darneille*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The state's six regional AIDS service networks (AIDSNETs) and regional HIV/AIDS planning activities are eliminated.
- The Department of Health will distribute grants directly to community service providers, rather than through the AIDSNETs.

**SHB 2402: CONCERNING A PROPERTY TAX EXEMPTION FOR PROPERTY OWNED BY A NONPROFIT ORGANIZATION AND USED FOR THE PURPOSE OF A FARMERS MARKET**

*Prime Sponsor: Representative White*

*(SB 6653 Senator Jacobsen)*

*\*Signed by the Governor*

*\*SHB 2439 was not enacted, but the provisions are similar as described below:*

- Nonprofit organizations operating public assembly halls or meeting places and churches may retain their exemption from property taxation if used by qualifying farmers markets for not more than 53 days each year. Income from rental or use must be used for capital improvements, maintenance and operation, or exempt purposes.
- A qualifying farmers market is an entity that sponsors a regular assembly of vendors at a defined location for promoting sale of agricultural products grown or produced in Washington directly to the consumer and meets other requirements.
- The act applies to taxes levied for collection in 2011 and expires in 2020.

**HB 2439: EXEMPTING CHURCH PROPERTY USED BY A NONPROFIT ORGANIZATION CONDUCTING ACTIVITIES RELATED TO A FARMERS MARKET FROM PROPERTY TAXATION**

*Prime Sponsor: Representative Short*

*\*SHB 2439 is incorporated in its entirety into SHB 2402.*

**ESHB 2493: CONCERNING THE TAXATION OF CIGARETTES AND OTHER TOBACCO PRODUCTS**

*Prime Sponsor: Representative Cody*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The tax on cigarettes is increased \$1 per pack, and taxes on tobacco products are generally increased from 75 percent to 95 percent of the taxable sales price, with some exceptions.
- The tobacco products tax rate on large cigars is 95 percent of the taxable sales price but not to exceed 65 cents per cigar.
- The tobacco products tax rate on small cigars is a per cigar tax that is the same as the per cigarette tax (\$3.025 per pack of 20). Small cigars are defined as cigars with a cellulose acetate integrated filter.
- The tobacco products tax rate on moist snuff is based on a single unit package. The tax rate is the greater \$2.526 per unit of 1.2 ounces or 83.5 percent of the per pack tax on cigarettes. For units larger than 1.2 ounces, the tax rate is increased proportionally based on the package size.

**EHB 2519: ADDRESSING DUTY-RELATED DEATH BENEFITS FOR PUBLIC SAFETY EMPLOYEES**

*Prime Sponsor: Representative Green*

*(SB 6407 Senator Eide)*

*\*Signed by the Governor*

- Removes the ten-year service requirement in Law Enforcement Officers' and Fire Fighters' Retirement Plan 2 (LEOFF 2) and the Washington State Patrol Retirement System Plan 2 (WSPRS 2) for survivors of duty-related deaths to qualify for a survivor annuity.
- Removes the actuarial reduction for a joint and 100 percent survivor option applied to survivor annuities in LEOFF 2 and WSPRS 2 for survivors of duty-related death and establishes a minimum survivor annuity of 10 percent in such cases.
- Provides LEOFF and WSPRS duty-related death survivors an optional 36-month, rather than 24-month, lump-sum benefit in the provision that halts workers' compensation benefits upon remarriage.
- Survivors who do not choose to receive a 36-month lump-sum payment upon remarriage remain eligible for a resumption of the monthly workers' compensation benefit if the new marriage ends in dissolution or the death of the new spouse.
- Requires state higher education institutions to waive payment of all tuition, services, and activity fees for both the children and the surviving spouse of any law enforcement officer, firefighter, or Washington State Patrol Officer who died or became totally disabled in the line of duty.

**EHB 2561: FUNDING CONSTRUCTION OF ENERGY COST SAVING IMPROVEMENTS TO PUBLIC FACILITIES**

*Prime Sponsor: Representative Dunshee*

*(SB 6547 Senator Kilmer)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The State Finance Committee is authorized to issue general obligation bonds in the amount of \$505 million to create jobs by constructing capital improvements to public facilities for energy costs savings, subject to approval by the voters.

- \$500 million is appropriated to the Department of Commerce for grants to public K-12 schools, public higher education institutions for energy cost savings improvements, and related projects that result in energy and utility and operational cost savings.
- The temporary sales tax on bottled water imposed by 2ESSB 6143 is made permanent to pay the debt service costs for the bonds. The bottled water tax extension will not occur if the voters do not ratify the bond referendum.

**2SHB 2576:                   RESTRUCTURING FEES FOR THE DIVISION OF CORPORATIONS AND AFFIRMING AUTHORITY TO ESTABLISH FEES FOR THE CHARITIES PROGRAM OF THE OFFICE OF THE SECRETARY OF STATE**

*Prime Sponsor: Representative Kenney*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- Restructures the fees for the Corporations and Charities Division of the Secretary of State.
- Makes the Corporations and Charities program self-supporting.

**E2SHB 2617:               ELIMINATING CERTAIN BOARDS AND COMMISSIONS**

*Prime Sponsor: Representative Driscoll*

*(ESSB 6426 Senator Prentice)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- 48 statutory boards, commissions, committees, and councils are eliminated.
- The travel, lodging, and other meeting costs of other boards and commissions are reduced.

**SHB 2620:                CONCERNING EXCISE TAXATION OF CERTAIN PRODUCTS AND SERVICES PROVIDED OR FURNISHED ELECTRONICALLY**

*Prime Sponsor: Representative Hunter*

*(SB 6552 Senator Tom)*

*\*Signed by the Governor*

- The overriding purpose of the bill is to clarify ambiguities and correct unintended consequences related to the passage of ESHB 2075 regarding digital products.
- The definition of DAS is modified to specifically exclude: live presentations, digital goods, the storage of digital products and software, and data processing services.
- A person is not considered a final consumer, and therefore is not subject to sales or use tax, if the person purchases a digital product, code, or prewritten computer software for the purpose of incorporating the product, code, or software into a new product, code, or software for sale.
- To simplify administration, the sales and use tax exemption for standard digital information is broadened to include all digital goods used for business purposes.

**E2SHB 2630:            REGARDING THE OPPORTUNITY EXPRESS PROGRAM**

*Prime Sponsor: Representative Probst*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor/partial veto*

- Creates a new Opportunity Express account from which funds may be appropriated for the Worker Retraining Program; the Opportunity Grant financial aid program for community and technical college students; and the Opportunity Internship program for high school students.
- Directs the State Board for Community and Technical Colleges to provide priority for enrollment in the Worker Retraining Program to students who are pursuing training in aeronautics, health and long-term care, construction, forest products, advanced manufacturing, renewable energy, and other high-demand fields.

- Increases from 1,000 to 5,000 the number of high school students who may participate in the Opportunity Internship program, and increases from ten to 12 the number of Workforce Development Councils that may sponsor such internships.
- ~~Includes an emergency clause and is effective immediately.~~ (PV)

**EHB 2672: CONCERNING TAX RELIEF FOR ALUMINUM SMELTERS**

*Prime Sponsor: Representative Linville*

*(SB 6331 Senator Ranker)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The aluminum tax incentives set to expire in 2012 are extended for five years.
- The following tax incentives are extended until January 1, 2017: the reduced B&O rate from 0.484 percent to 0.2904 percent for manufacturers of aluminum; the sales and use tax credit against the state portion of the tax for personal property, construction materials, and labor and services performed on buildings and property at an aluminum smelter; and the exemption from the brokered natural gas use tax on gas delivered through a pipeline. The B&O tax credit for the amount of property taxes paid on an aluminum smelter is extended through 2017 property taxes.
- The Joint Legislative Audit and Review Committee is required to conduct a review of the tax preferences for the aluminum industry in 2015 with a specific analysis of the jobs retained as a result of the tax preferences.

**HB 2694: REGARDING A BACHELOR OF SCIENCE IN NURSING PROGRAM AT THE UNIVERSITY CENTER**

*Prime Sponsor: Representative Sells*

*(SB 6801 Senator Hobbs)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- Authorizes the University Center of North Puget Sound and the University of Washington-Bothell to jointly offer a Bachelor of Science in Nursing program for up to 50 full-time equivalent students at the University Center in Everett.

**ESHB 2753: CREATING THE WASHINGTON WORKS HOUSING PROGRAM**

*Prime Sponsor: Representative Orwall*

*(SB 6589 Senator Kauffman)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- Allocates \$1 billion of the Housing Finance Commission's maximum outstanding debt to the Washington Works Housing Program to increase opportunities for nonprofit organizations and public agencies to purchase, acquire, build, and own real property used for affordable housing.

**SHB 2758: DOCUMENTING WHOLESALE SALES FOR EXCISE TAX PURPOSES**

*Prime Sponsor: Representative Hunter*

*(SB 6551 Senator Tom)*

*\*Signed by the Governor*

- A seller's permit is renamed. It is now referred to as a reseller permit.
- Beginning July 1, 2013, contractor reseller permits will be valid for 24 months instead of 12 months. However, DOR may issue or renew contractor reseller permits for 24 months beginning July 1, 2011, if DOR is satisfied that the buyer is entitled to make wholesale purchases.
- The 12-month look-back period for contractors to meet the 25 percent threshold is extended to 24 months.
- DOR is authorized to adopt a uniform expiration date for reseller permits if DOR determines that a uniform expiration date will improve administrative efficiency.

**HB 2823: PERMITTING RETIRED PARTICIPANTS TO RESUME VOLUNTEER FIREFIGHTER, EMERGENCY WORKER, OR RESERVE OFFICER SERVICE**

*Prime Sponsor: Representative Kristiansen*

*\*Signed by the Governor*

- Permits retired volunteer firefighters that are at least age 65 and have been collecting a pension from the Volunteer Fire Fighters' and Reserve Officers' Relief and Pension System (VFFRORPS) for at least three months to resume volunteer firefighting, provided that they submit to annual medical exams.
- Prohibits retired participants who resume volunteer service from receiving disability payments from the VFFRORPS in the event that the retired participant becomes disabled in the course of volunteer service.

**ESHB 2836: CONCERNING THE CAPITAL BUDGET**

*Prime Sponsor: Representative Dunshee*

*(ESSB 6364 Senator Fraser)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor/partial veto*

- Revising capital appropriations for the 2009-11 fiscal biennium.

**HB 2877: AUTHORIZING PAYMENT OF REGULATED COMPANY STOCK IN LIEU OF A PORTION OF SALARY FOR EDUCATIONAL EMPLOYEES**

*Prime Sponsor: Representative Moeller*

*(SB 6501 Senator Pridemore)*

*\*Signed by the Governor*

- Permits public educational employers, including school districts and educational service districts, to offer investments in mutual funds, in addition to tax deferred annuities, for employees' 403(b) retirement savings accounts.

**ESHB 2921: MAKING 2010 SUPPLEMENTAL OPERATING APPROPRIATIONS**

*Prime Sponsor: Representative Linville*

*\*Signed by the Governor*

- Appropriations are modified for the 2009-11 biennium. Near General Fund-State appropriations are reduced by \$45.4 million.
- Total budgeted funds decrease by \$54.8 million.
- State agencies are restricted from creating new positions and filling vacant positions, from entering into personal service contracts, from purchasing equipment over \$5,000 and from paying for out-of-state travel for the remainder of the biennium. An exception process is established.

**SHB 2935: REGARDING ENVIRONMENTAL AND LAND USE HEARINGS BOARDS AND MAKING MORE UNIFORM THE TIMELINES FOR FILING APPEALS WITH THOSE BOARDS**

*Prime Sponsor: Representative Van*

*(SB 6422 Senator Fairley)*

*\*Signed by the Governor*

- Effective July 1, 2010, the Forest Practices Appeals Board and the Hydraulic Appeals Board is consolidated into the Pollution Control Hearings Board.
- Effective July 1, 2011, the Growth Management Hearings Board and the Environmental Hearings Office is consolidated into a single agency to be known as the Environmental and Land Use Hearings Office.
- Allows a mediation process of appeals when requested and approved by all parties involved.
- Certain dates are modified to make consistent the requirement of filing appeals within 30 days.

**E2SHB 2956: CONCERNING THE HOSPITAL SAFETY NET**

*Prime Sponsor: Representative Pettigrew*

*(SB 6578 Senator Keiser)*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- A provider assessment is imposed on hospitals to leverage federal Medicaid matching funds and increase inpatient and outpatient hospital reimbursement rates and small rural disproportionate share hospital payments.
- Hospital reimbursement rate increases range from four to 13 percent for inpatient and from four to 41 percent for outpatient rates.
- Provider assessments increase in four phases and vary by hospital type.
- \$66.8 million from the assessment fund may be expended in lieu of state General Fund payments to hospitals for the 2009-11 biennium.
- The act expires in July 2013.

**SHB 2998: SUSPENDING CERTAIN MONETARY AWARDS AND SALARY INCREASES**

*Prime Sponsor: Representative Seaquist*

*\*Signed by the Governor*

- Suspends state employee monetary performance-based awards through June 30, 2011.
- Suspends growth and development increases for Washington Management Service (WMS) employees and performance awards for all Housing Finance Commission employees through June 30, 2011.

**SHB 3066: CREATING UNIFORMITY AMONG ANNUAL TAX REPORTING SURVEY PROVISIONS**

*Prime Sponsor: Representative Parker*

*(SSB 6326 Senator Hobbs)*

*\*Signed by the Governor*

- This amends various tax incentive statutes that require recipients to file an annual survey or an annual report with the Department of Revenue and creates a uniform annual survey and uniform annual report.
- All annual surveys and reports will now be due on April 30th.
- The merged reporting provisions apply beginning with annual surveys and annual reports due in 2011 and thereafter.

**ESHB 3178: CREATING EFFICIENCIES IN THE USE OF TECHNOLOGY IN STATE GOVERNMENT**

*Prime Sponsor: Representative Carlyle*

*\*Signed by the Governor/partial veto*

- The Information Services Board must develop an enterprise-based strategy for Information Technology (IT) in state government.
- Additional reporting requirements related to IT expenditures are required. The Governor must submit additional information related to proposed IT projects in the biennial budget proposal.
- ~~OFM must develop and execute a pilot program for application managed services or other similar program for one or more agencies. (PV)~~
- ~~The Information Services Board must develop standardized IT contracts. (PV)~~

*\*SSB 6845 is incorporated in part into ESHB 3178, as described below:*

- ~~The Office of Financial Management (OFM) must contract with an independent consultant to review the state's plan to consolidate state data centers. OFM and the Department of Information Systems must also review issues related to IT governance. (PV)~~
- ~~The Department of Information Systems must report on the development of a centralized project management office by November 1, 2010. (PV)~~

**ESHB 3179: CONCERNING LOCAL EXCISE TAX PROVISIONS FOR COUNTIES AND CITIES**

*Prime Sponsor: Representative Springer*

*\*Signed by the Governor*

- Allows cities to impose, with voter approval, the public safety sales and use tax at a rate not to exceed 0.1 percent.
- Eliminates the non-supplant language in the public safety sales and use tax.
- Allows a city with a population over 30,000 and located in a county with a population over 800,000 to impose the mental health/chemical dependency sales and use tax if the county has not imposed it by January 1, 2011.
- Eliminates the non-supplant language in the criminal justice sales and use tax.
- Imposes brokered natural gas use tax at the location where the gas is consumed or stored by the customer.
- Allows local gambling revenue to be used for general public safety programs.

**HB 3197: TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION ACCOUNT TO THE GENERAL FUND**

*Prime Sponsor: Representative Sullivan*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The State Treasurer is directed to transfer \$229 million from the Budget Stabilization Account (the Rainy Day Fund) to the state General Fund for Fiscal Year 2011. The purpose of the transfer is to minimize reductions to public school programs in the 2010 supplemental budget.

**SHB 3201: FEES FOR INFANT SCREENING**

*Prime Sponsor: Representative Pettigrew*

*\*Passed during the 1st 2010 Special Session*

*\*Signed by the Governor*

- The fee dedicated for treatment services for infants with heritable disorders is increased from \$3.50 to \$8.40.
- The fee may also be used to support community outreach and education activities related to sickle cell disease.

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