

**Washington State**



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**Senate Committee  
SERVICES**

SENATE COMMITTEE SERVICES

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**BILLS PASSED**

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**DURING THE 2002 REGULAR**

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**LEGISLATIVE SESSION**

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**BY COMMITTEE OF ORIGIN**

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*(Second Printing)*



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DATE: March 15, 2002

TO: Washington State Senate Senators and Staff

FROM: Stan Pynch, Director  
Senate Committee Services

SUBJECT: Bills Passed During the 2002 Regular Legislative Session Report

We are pleased to provide you this Senate Committee Services (SCS) report, Bills Passed During the 2002 Regular Legislative Session, by Committee of Origin. Very simply, this report includes a brief description of each Senate and House bill passed by the 2002 Legislature. Bills are listed under their committee of origin in the Senate.

In order to provide this report immediately upon sine die, we were not able to include information regarding gubernatorial vetoes. The Governor has not yet taken action on the overwhelming majority of bills included in this report.

We will be working with House staff in the weeks ahead to prepare the more comprehensive 2002 Final Legislative Report. You are likely familiar with that report, which has been produced for many years. It will include the final bill report for each bill passed by the 2002 Legislature and relevant gubernatorial veto messages.

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

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# Table of Contents

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AGRICULTURE & INTERNATIONAL TRADE .....	4
ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS .....	9
EDUCATION .....	12
ENVIRONMENT, ENERGY, & WATER.....	16
HEALTH & LONG-TERM CARE .....	21
HIGHER EDUCATION .....	25
HUMAN SERVICES & CORRECTIONS .....	27
JUDICIARY .....	33
LABOR, COMMERCE & FINANCIAL INSTITUTIONS .....	43
NATURAL RESOURCES, PARKS & SHORELINES .....	54
STATE & LOCAL GOVERNMENT .....	59
TRANSPORTATION .....	70
WAYS & MEANS.....	78

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# AGRICULTURE & INTERNATIONAL TRADE

786-7411

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**SSB 6037: AUTHORIZING ANIMAL CARE AND CONTROL AGENCIES AND NONPROFIT HUMANE SOCIETIES TO PROVIDE LIMITED VETERINARIAN SERVICES**

*Prime Sponsor: Senator Prentice*

- Animal control agencies and humane societies are authorized to employ licensed veterinarians and licensed technicians to provide electronic identification, sterilization, and vaccination services of animals owned by households whose income is less than 80 percent of the median family income in their county.
- The Veterinary Board of Governors may adopt rules to establish registration requirements and govern the purchase of drugs used at these facilities.

**SSB 6241: EXCLUDING AGRICULTURALLY CULTIVATED CHRISTMAS TREES FROM CHAPTER 76.09 RCW**

*Prime Sponsor: Senator Rasmussen*

- Christmas trees grown by agricultural methods are exempt from the Forest Practices Act. Thus, aerial applications of pesticides to Christmas tree farms may occur without a forest practices permit.

**SSB 6254: CREATING THE FRUIT AND VEGETABLE INSPECTION ACCOUNT**

*Prime Sponsor: Senator Rasmussen*

*(HB 2290 Representative Linville)*

- The fruit and vegetable account is created in the custody of the State Treasurer, and fees collected by fruit and vegetable inspection districts are to be deposited in the account.
- Because three districts are consolidated into two, formulas are established to temporarily reduce inspection fees to equalize fund balances.

**SB 6471: REQUIRING LABELING OF THE ORIGIN OF FRUITS AND VEGETABLES GROWN IN THE UNITED STATES OR GROWN IN WASHINGTON STATE**

*Prime Sponsor: Senator Honeyford*

- The placement of placards are required on bins or shelves where fresh fruits and vegetables are sold to consumers to show whether the produce was grown in Washington State or the United States.
- No placarding is required if the produce is not produced within the United States or if the product is individually labeled.

**SB 6508: REGISTERING PESTICIDES**

*Prime Sponsor: Senator Rasmussen*

*(HB 2521 Representative Linville)*

- Rather than renewing pesticide registrations every year, the registration period is extended to two years.

**SSB 6572: CLARIFYING THAT CONSERVATION DISTRICT SUPERVISORS' ELECTIONS AND PUBLIC DISCLOSURE REQUIREMENTS ARE GOVERNED BY CONSERVATION DISTRICT LAWS**

*Prime Sponsor: Senator Rasmussen*

- Election provisions for conservation district supervisors are clarified so that they are to be conducted under the conservation district election procedures and not under the state general election laws.
- Clarification is added so that the three elected supervisors continue to be exempt from the requirements of the public disclosure act in the same way as the two appointed supervisors are exempt.
- Elections of conservation district supervisors must take place in the second calendar quarter for 2002 and then will return to the first quarter of the calendar year thereafter.

**ESSB 6588: REQUIRING EXCLUSIVE STATEWIDE FOOD SERVICE RULES FOR FOOD SERVICE ESTABLISHMENTS**

*Prime Sponsor: Senator Rasmussen*

*(HB 2596 Representative Linville)*

- Current food service rules must be updated by the State Board of Health by December 31, 2004.
- Effective December 31, 2004, the State Board of Health has sole rule-making authority to adopt food service rules for food service establishments.
- Local boards of health are not prohibited from adopting temporary deviations from the state food service rules for a limited period to respond to an emergency. The temporary deviation shall not be in force for more than 180 days unless the State Board of Health grants an extension based on demonstrated need. The State Board of Health is to review local emergency actions within 120 days and determine whether they should be adopted as statewide rules.

**ESSB 6703: CHANGING TIMING PROVISIONS RELATING TO AGRICULTURAL LIENS**

*Prime Sponsor: Senator Rasmussen*

- The maximum time period that a processor lien is in effect is increased from six months to twelve months.
- Vegetable seeds are specifically included within the coverage of the lien law.
- Flexibility is provided to file a lien containing a reasonable estimate of the amount due rather than having to wait to file a true statement of the amount due. This change allows a lien to be filed before cleaning and germination reports are available.

**ESB 6726: PROTECTING DAIRY FARMERS FROM UNWARRANTED COMPLAINTS**

*Prime Sponsor: Senator Rasmussen*

- The Department of Ecology is given discretion not to conduct an inspection for every complaint against a dairy farm if the department has received similar complaints within the prior six months and no violation was found during that inspection.
- If the department makes the decision to not conduct an inspection, it must document the reasons, provide its decision to the complainant and the dairy producer, and place the decision in the department's administrative records.

**SB 6740: AUTHORIZING IRRIGATION DISTRICTS TO ACCEPT VARIOUS METHODS OF PAYMENT**

*Prime Sponsor: Senator Rasmussen*

- Irrigation districts that have designated their own treasurers are permitted to accept credit cards, debit cards, and other electronic methods of payment.
- A customer desiring to pay district assessments or other payments by electronic means bears the cost of processing the transaction in an amount determined by the treasurer, unless the district's board of directors determines that it is in the best interests of the district to assume the cost.

**HB 2289: REGULATING PLANTING STOCK CERTIFICATION AND NURSERY IMPROVEMENT PROGRAMS**

*Prime Sponsor: Representative Linville*

*(SB 6253 Senator Rasmussen)*

- The current planting stock certification program is expanded to include the inspection of grapevine rootstock to detect whether they are infested with detrimental plant pests and diseases.

**ESHB 2325: PROVIDING FOR DONATION AND DISTRIBUTION OF FOOD**

*Prime Sponsor: Representative Wood*

- The State Board of Health is required to establish rules by December 31, 2004, regarding the preparation and handling of donated food.
- The Department of Health is required to establish guidelines to educate the public on the proper way to safely prepare and handle food for donation.
- Local Health Officers are permitted to grant a donated food variance to donors or recipient distributing organizations.

**HB 2397: REGULATING ORGANIC FOOD PRODUCTS**

*Prime Sponsor: Representative Linville*

*(SB 6420 Senator Rasmussen)*

- State law is modified to be consistent with the requirements of the federal Organic Food Production Act of 1990 and recently adopted federal rules.

**HB 2450: UPDATING THE WASHINGTON TRADE CENTER ACT TO AUTHORIZE ELECTRONIC COMMERCE ACTIVITIES**

*Prime Sponsor: Representative Hatfield*

- The Legislature recognizes that a trade center may conduct commerce activities through both physical and electronic facilities and authorizes port districts and the Washington Public Ports Association (WPPA) to participate in transactions necessary to provide electronic facilities to a trade center.
- In carrying out the powers authorized under the Trade Center Act, port districts and the WPPA are authorized to invest jointly with public and private agencies and persons.

**EHB 2491: AUTHORIZING INSPECTION OF FACILITIES USED FOR TEMPORARY STORAGE AND PROCESSING OF AGRICULTURAL COMMODITIES**

*Prime Sponsor: Representative Chandler*

- Local government authority is clarified so that they have the discretion of whether or not to inspect and charge associated inspection fees for facilities used for temporary storage and processing of agricultural commodities.

**HB 2657: REQUIRING THE PURCHASE OF WASHINGTON GROWN COMMODITIES FOR STATE INSTITUTIONS**

*Prime Sponsor: Representative Hunt*

*(SB 6667 Senator Rasmussen)*

- The Department of General Administration (GA), through the State Purchasing and Material Control Director, is required to encourage state and local agencies to purchase Washington fruit, vegetables, and agricultural products when available and competitively priced.
- GA is required to work with the Department of Agriculture and other parties to identify and recommend strategies to increase public purchasing of Washington fruit, vegetables, and agricultural products and report back to the Legislature on their findings.

**ESHB 2688: REGULATING COMMODITY BOARDS AND COMMISSIONS**

*Prime Sponsor: Representative Linville;*

*(SB 6639 Senator Rasmussen)*

- Enabling statutes for various commodity commissions are updated.
- Alternatives for appointing members to certain commodity commissions are provided.
- The regulation of commodity producers under various commodity commissions is declared to be only one aspect of the comprehensive regulation of the involved industry.
- The Department of Agriculture is required to conduct a study on the formation of an organic food commission and to report back to the Legislature next year.
- The Hop Commission is authorized to enter into contracts with existing hop producers to set aside or remove from production existing hop acreage until a federal marketing order is adopted.

**SHB 2758: ESTABLISHING THE AGRICULTURAL CONSERVATION EASEMENTS PROGRAM**

*Prime Sponsor: Representative Quall*

- Authority is provided for the State Conservation Commission to establish an agricultural conservation easements program to retain agricultural land in an agricultural use and protect it from conversion to other uses.
- The Conservation Commission is authorized to receive federal, state, local, or private funds and to award funds to local governments and private non-profit entities on a match or no-match basis for purchasing agricultural conservation easements.

**EHB 2773: REVISING STANDARDS FOR APPLE GRADES AND REQUIRING REPORTS ON THE CONSIGNMENT SALES OF APPLES UNDER THE NEW STANDARDS**

*Prime Sponsor: Representative Clements*

- The Apple Grades and Packs Committee is required to review current apple grading standards.
- The fruit industry is requested to examine the need for additional market information for producers and to provide a recommendation for obtaining it.
- A report is required on the amount and variety of imported apples that are received and sold during 2002 by in-state apple packers licensed as commission merchants.

**HB 2809: CONCERNING THE APPLICATION OF PESTICIDES IN A FOREST ENVIRONMENT**

*Prime Sponsor: Representative Doumit*

- Employees applying pesticides with hand-powered equipment for forest purposes do not have to be in constant visual and voice contact with the licensed pesticide applicator when a general use pesticide is being used, so long as the licensed applicator is physically present and directly observes the mixing and batching of the pesticide.

**HB 2892: SELLING APPLES FOR FRESH CONSUMPTION**

*Prime Sponsor: Representative Clements*

*(SB 6777 Senator Parlette)*

- The sale of apples that are over one year old to any wholesaler or retailer for resale to the public is prohibited.



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# ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

786-7747

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**SSB 5400: CLARIFYING THAT THE COMMUNITY ECONOMIC REVITALIZATION BOARD MAY MAKE LOANS AND GRANTS TO FEDERALLY RECOGNIZED INDIAN TRIBES**

*Prime Sponsor: Senator T. Sheldon*

*(HB 1265 Representative Eickmeyer)*

- Federally recognized Indian Tribes are eligible to receive funds from the Community Economic Revitalization Board (CERB) for infrastructure projects.
- Tribes may not use CERB funds to facilitate or promote gambling.

**SB 5999: MODIFYING THE TELEPHONE ASSISTANCE PROGRAM**

*Prime Sponsor: Senator B. Sheldon*

- After completing a community service voice mail program, a participant is eligible for the Washington Telephone Assistance Program (WTAP) for the remainder of the current WTAP service year and the following service year.

**SB 6539: IMPLEMENTING THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT**

*Prime Sponsor: Senator T. Sheldon*

*(HB 2404 Representative Berkey)*

- State and local excise taxes on mobile telecommunications are sourced to the customer's home or business address, consistent with the federal Mobile Telecommunications Sourcing Act.
- A customer is permitted to challenge the amount of tax assessed in their mobile telecommunications bill if they feel it is erroneous.

**SB 6578: EXEMPTING LAND LEASES FOR PERSONAL WIRELESS COMMUNICATION FACILITIES FROM THE SUBDIVISION ACT**

*Prime Sponsor: Senator B. Sheldon*

*(HB 2584 Representative Reardon)*

- Property leases for wireless facilities are exempted from the Subdivision Act, which means short plats do not have to be filed for leased cellular sites. Leased cellular sites, however, must still meet local permitting requirements.

**ESHB 1005: ALLOWING THE GRANTING OF EASEMENTS ON STATE-OWNED AQUATIC LANDS FOR LOCAL PUBLIC UTILITY LINES**

*Prime Sponsor: Representative Morris*

- A three-tiered fee schedule is created for 30-year, non-governmental utility easements across state-owned aquatic lands. Fees range from \$5,000 to \$20,000 depending on the length of the easement. (Sunsets on July 1, 2008.)
- A 120-day timeline is set for processing applications, including a 60-day expedited process.
- The Department of Natural Resources is authorized to recover direct administrative costs for processing applications.

**SHB 1395: ENCOURAGING RETENTION AND ENHANCEMENT OF THE JOB BASE IN RURAL COUNTIES**

*Prime Sponsor: Representative Eickmeyer*

- Rural counties planning under the Growth Management Act may allow the expansion of small-scale businesses or the utilization of an existing business site to locate a new small-scale business.
- These businesses must conform with the rural character of the area as defined by the local government.

**SHB 2031: LIMITING THE TAXATION OF PAYPHONE SERVICES**

*Prime Sponsor: Representative Cairnes*

- Pay phone services of independent pay phone operators must be taxed by cities at the Business & Occupation retailing rate of 0.2 percent rather than the utility rate of 6.0 percent.

**SHB 2357: ADDRESSING COMMUNITY RENEWAL**

*Prime Sponsor: Representative Veloria*

*(SB 6336 Senator Sheldon)*

- The 1957 urban renewal law is updated to allow a municipality more flexibility in both acquiring and disposing of property.
- A municipality is authorized to provide loans or grants to private persons for the purpose of creating or retaining jobs in a community renewal area.
- A municipality is authorized to use any excess local excise taxes generated within the community renewal area to finance public improvements.

**HB 2425: FUNDING THE COMMUNITY ECONOMIC REVITALIZATION BOARD**

*Prime Sponsor: Representative Doumit*

*(SB 6543 Senator B. Sheldon)*

- The Community Economic Revitalization Board (CERB) program is authorized to keep its interest earnings starting July 1, 2004.
- Transfers from the timber and rural natural resources programs to the CERB program are authorized according to the following formula: (1) for fiscal year 2003, 12 percent of the total principal and interest payments on loans made under the timber and rural natural resources programs are redirected to the CERB account, up to an annual maximum of \$4.5 million; (2) for fiscal years 2004-07, 22 percent is redirected, up to an annual maximum of \$4.5 million.
- At least 10 percent of CERB financial assistance must be by grants.

**SHB 2437: PROMOTING ECONOMIC REVITALIZATION**

*Prime Sponsor: Representative Veloria*

- Cities and towns are authorized to use the incremental increase of their local sales and use tax revenue to finance a community revitalization project within the boundaries of a downtown area or one or more neighborhood commercial districts.
- The incremental increase in a city or town's sales and use tax is based on the amount collected each year in excess of the amount collected in the preceding year.
- Cities and towns are permitted to pool increment revenue collected in various downtown or neighborhood commercial areas to finance a community revitalization project or to pay into bond redemption funds.

**SHB 2592: MODIFYING COMMUNITY REVITALIZATION FINANCING**

*Prime Sponsor: Representative Gombosky*

- The Community Revitalization Financing program is revised to clarify that a fire protection district located within the tax increment area must agree to participate in the financing of a revitalization project in order for the project to proceed.
- A local government is authorized to issue non-recourse revenue bonds to finance revenue-generating public infrastructure improvements located within a designated tax increment area.

**HB 2639: CONTINUING A MORATORIUM THAT PROHIBITS A CITY OR TOWN FROM IMPOSING A SPECIFIC FEE OR TAX ON AN INTERNET SERVICE PROVIDER**

*Prime Sponsor: Representative Ruderman*

*(SB 6497 Senator T. Sheldon)*

- The prohibition on a city or town against imposing any new taxes or fees on Internet service providers is extended from July 1, 2002, to July 1, 2004.

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# EDUCATION

786-7420

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## **SSB 5543: IMPROVING STUDENT SAFETY**

*Prime Sponsor: Senator Kastama*

*(HB 1818 Representative Rockefeller)*

- The Superintendent of Public Instruction, in consultation with stakeholders, must provide guidance to school districts in developing comprehensive safe school plans; the guidance must at least include a safety checklist and model safety plans. (Reference is made in the Operating Budget to the strategies identified in this bill).
- The State Board of Education's rule-making authority regarding emergency evacuation plans at public and private schools is removed.
- Information compiled in the development of comprehensive safe school plans, to the extent it identifies school vulnerabilities, is exempt from public disclosure.

## **SSB 5823: REPEALING STUDENT IMPROVEMENT GOALS**

*Prime Sponsor: Senator McAuliffe*

*(HB 2127 Representative Haigh)*

- The three-year student performance improvement goals, adopted in 1998, are repealed to avoid confusion with the current goals adopted in rule by the Academic Achievement and Accountability Commission in 2001.

## **SSB 6351: REQUIRING NOTIFICATION POLICIES REGARDING THREATS AT SCHOOLS**

*Prime Sponsor: Senator Haugen*

- School districts must adopt a policy that establishes procedures for: (1) providing notice of threats of violence or harm to threatened students or school employees; and (2) how information relating to a student's conduct is disclosed to school employees.
- The Superintendent of Public Instruction (SPI), in consultation with a variety of specified groups, must develop a model policy and post it on SPI's website.
- Immunity from liability arising out of the notification is provided if the notice is given in good faith and consistent with the district's policies. Making a false notification is a misdemeanor.

## **SSB 6389: AUTHORIZING PLACEMENT OF UNITED STATES FLAGS ON SCHOOL BUSES**

*Prime Sponsor: Senator Benton*

- School districts shall not be prohibited from placing or displaying a United States flag on a school bus when it does not interfere with the safe operation of the bus.

## **SB 6425: AUTHORIZING ACCESS TO SCHOOL MEAL PROGRAMS AND KITCHEN FACILITIES**

*Prime Sponsor: Senator McAuliffe*

*(HB 2448 Representative Quall)*

- School districts may expand access to their meal programs to the following: (1) volunteers, (2) public agencies, political subdivisions, or associations that serve public entities while using school facilities, and (3) other child nutrition programs.

**SB 6430: AUTHORIZING ISSUANCE OF HIGH SCHOOL DIPLOMAS TO WORLD WAR II VETERANS WHO WERE BOTH HONORABLY DISCHARGED AND LEFT HIGH SCHOOL BEFORE GRADUATION TO SERVE IN WORLD WAR II**

*Prime Sponsor: Senator Zarelli*

- School districts may issue high school diplomas to honorably discharged World War II veterans who left high school early in order to serve in the war.
- The Superintendent of Public Instruction must specify the evidentiary requirements necessary to prove eligibility for the diploma.
- Deceased veterans or veterans who have received high school equivalency certifications are eligible to receive the diploma.

**ESB 6456: AUTHORIZING THE ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION TO SET PERFORMANCE IMPROVEMENT GOALS FOR CERTAIN DIS-AGGREGATED GROUPS OF STUDENTS AND DROPOUT GOALS**

*Prime Sponsor: Senator McAuliffe*

*(HB 2337 Representative Santos)*

- The Academic Achievement and Accountability Commission (Commission) is authorized to adopt school and school district goals for improving the number of students who meet the standards on the Washington Assessment of Student Learning for the following: (1) all students; (2) economically disadvantaged students; (3) students with disabilities; and (4) students from racial and ethnic backgrounds that are disproportionately underachieving academically.
- The Commission is authorized to adopt school and school district goals addressing high school graduation and dropout reduction for students in grades seven through twelve.

**SSB 6515: ALLOWING THE SCHOOL DISTRICT CAPITAL PROJECTS FUND TO PROVIDE FOR COSTS ASSOCIATED WITH IMPLEMENTING TECHNOLOGY SYSTEMS**

*Prime Sponsor: Senator McAuliffe*

*(HB 2552 Representative Fromhold)*

- Current law is clarified to specifically permit school districts to use money in their capital projects funds to pay the costs of implementing technology systems, facilities, and projects.

**ESSB 6558: REVISING PROVISIONS FOR THE GOVERNANCE OF THE WASHINGTON STATE SCHOOL FOR THE DEAF**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 2473 Representative Tokuda)*

- The Board of Trustees of the Washington State School for the Deaf, rather than only serving in an advisory role, has more direct legal authority over the operations of the school and must provide general oversight of the school to the Governor and the Legislature.
- The Board of Trustees has approval authority over the superintendent's recommended course of study at the school and the rules governing the operation of the school's residential facilities.
- On a biennial basis, the Board of Trustees must report on the status of the school's operations and submit an evaluation of the superintendent that must include a recommendation regarding the retention of the superintendent.

**ESSB 6641: ACCOMMODATING CHILDREN WITH DIABETES IN SCHOOLS**

*Prime Sponsor: Senator McAuliffe*

- School districts must adopt policies that describe the protocols that will be used to help diabetic students manage and treat their disease at school.
- The Superintendent of Public Instruction and the Department of Health must develop a uniform policy addressing school district training for all appropriate staff on symptoms, treatment and monitoring of diabetic students. The training must be provided by a health care professional or diabetes educator.
- Parents may designate, through proper legal procedures, an adult authorized to assist their children in managing their diabetes at school. Parents are responsible for selecting a person to provide training to the designated adult for the additional authorized care.

**ESHB 1444: REQUIRING SCHOOL DISTRICTS TO ADOPT POLICIES PROHIBITING HARASSMENT, INTIMIDATION, AND BULLYING**

*Prime Sponsor: Representative Murray*

*(SB 5528 Senator McAuliffe)*

- Each school district must adopt a policy prohibiting the harassment, intimidation, or bullying of any student. The definition of harassment, intimidation, or bullying is established. The Office of the Superintendent of Public Instruction (OSPI) shall develop a model policy and training materials and post the policy on their website.
- Each school district must report to OSPI all incidents that result in disciplinary action under the policy, and OSPI shall report back to the Legislature.
- School employees, students, or volunteers who witness a bullying incident are encouraged to report the incident and will be immune from liability for failure to remedy the incident if they make a prompt report.

**2SHB 1646: INCLUDING THE WASHINGTON NATIONAL GUARD YOUTH CHALLENGE PROGRAM AS AN ALTERNATIVE EDUCATIONAL SERVICE PROVIDER**

*Prime Sponsor: Representative D. Schmidt*

- School districts may contract with the Washington National Guard Youth Challenge Program as an alternative educational service provider to serve at-risk students.
- Funding must be provided to the state Military Department based on statewide average rates as determined by the Superintendent of Public Instruction.
- The State Board of Education must adopt rules regarding the acceptance of high school credits gained through the program.

**HB 1856: EXCUSING STUDENT ABSENCES FOR STATE-RECOGNIZED SEARCH AND RESCUE ACTIVITIES**

*Prime Sponsor: Representative Morell*

- Schools are strongly encouraged to grant excused absences for up to five days per year to students participating in state-recognized search and rescue activities.
- The excused absence is subject to approval by the student's parent and principal.
- The absence may not be approved if deemed to have a serious adverse effect upon the student's educational progress.

**SHB 2414: CHANGING PROVISIONS RELATING TO THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

*Prime Sponsor: Representative Haigh*

*(SB 6478 Senator McAuliffe)*

- A process is created that will stagger the terms of the members of the Professional Educator Standards Board (PESB) so that, where possible, the terms of members representing a specific group do not expire simultaneously. The current members are allowed to serve their full terms.
- Applicants for teacher certification are required to pass a subject knowledge test developed by PESB beginning September 1, 2005, rather than 2003.

**SHB 2415: CHANGING QUALIFICATIONS FOR PUBLIC SCHOOL PRINCIPALS AND VICE PRINCIPALS**

*Prime Sponsor: Representative Quall*

*(SB 6477 Senator McAuliffe)*

- Current law requiring public school principals and vice principals to hold both valid administrative and teacher certificates is changed to expand the pool of eligible candidates for the two positions.
- Public school principals and vice principals, in addition to holding valid administrative certificates, must meet either of the following requirements: (1) hold (or have held) a valid teacher certificate; or (2) hold (or have held) a valid educational staff associate certificates (e.g., school nurses, school counselors, etc.) and have demonstrated successful instructional experience with students.
- Persons with revoked, suspended, or surrendered certificate may not be employed as public school principals or vice principals.

**EHB 2748: REQUIRING MONITORING OF PROGRAMS FOR THE EDUCATION OF HIGHLY CAPABLE STUDENTS**

*Prime Sponsor: Representative Schual-Berke*

- The office of the Superintendent of Public Instruction (OSPI) must monitor programs for highly capable students, at least once every five years, beginning with the 2002-03 school year. The monitoring may be done concurrently with other program reviews and must include review of school district outreach efforts to students with diverse talents and backgrounds and district expenditures. The OSPI may adopt rules to implement the program monitoring.
- Every five years, beginning June 30, 2003, the OSPI must provide a brief description of the various instructional programs offered to highly capable students.

**SHB 2834: REQUIRING A MEDICATION OR TREATMENT ORDER AS A CONDITION FOR CHILDREN WITH LIFE-THREATENING CONDITIONS TO ATTEND PUBLIC SCHOOL**

*Prime Sponsor: Representative Schual-Berke*

*(SB 6523 Senator McAuliffe)*

- Public schools are authorized to deny a student admission to the school if the student fails to present a medication or treatment order addressing any life-threatening health condition that may require the child to receive medical services at the school. Schools must notify parents of this new requirement.

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# ENVIRONMENT, ENERGY, & WATER

786-7455

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## **SSB 5292: MODIFYING DEFINITIONS OF PUBLIC ENERGY PROJECTS**

*Prime Sponsor: Senator T. Sheldon*

*(HB 1221 Representative Delvin)*

- The size of a "major public energy project" that would require voter approval for public financing is increased from a public project that generates more than 250 megawatts to one that generates more than 350 megawatts.

## **SSB 6329: EXEMPTING CERTAIN HYBRID VEHICLES FROM EMISSION CONTROL INSPECTION REQUIREMENTS**

*Prime Sponsor: Senator Regala*

- Hybrid motor vehicles that obtain an Environmental Protection Agency rating of at least 50 miles per gallon during city driving are exempt from vehicle emission testing.

## **SB 6416: ALLOWING PUBLIC UTILITY DISTRICTS TO DEFINE THE ELIGIBLE GROUP OF LOW-INCOME CITIZENS TO WHOM THEY MAY PROVIDE SERVICES AT REDUCED RATES**

*Prime Sponsor: Senator Poulsen*

- Statutory definitions of "low-income" seniors and other citizens are removed so that public utility districts may define, by resolution of their governing boards, the income eligibility requirements for their low-income utility assistance programs.

## **SB 6624: MODIFYING WELL CONSTRUCTION PROVISIONS**

*Prime Sponsor: Senator Keiser*

*(HB 2668 Representative Linville)*

- Environmental investigation wells and remediation wells are added to the definition of resource protection well, and each is also defined separately, based on current well construction technology and practice.
- Up to four environmental investigation wells that sample groundwater are covered by a \$40 base fee, with a \$10 fee for each additional well. There is no fee for soil or vapor sampling.
- Fees paid for wells that are subsequently not constructed are refunded upon submission of a request within 180 days to the Department of Ecology.

## **SSB 6658: CLARIFYING THE TYPES OF ENERGY CONSERVATION PROJECTS A PUBLIC UTILITY MAY ASSIST ITS CUSTOMERS IN FINANCING**

*Prime Sponsor: Senator Poulsen*

- A definition of "allowable conservation purposes" is added to clarify the types of projects public utilities may assist their customers in financing. This will allow a public utility to help customers finance the purchase of on-site solar, wind, geothermal, mini-hydroelectric, or other renewable distributed generation systems.
- These projects may not involve the "conversion from one energy source to another" as this is prohibited by law and the state Constitution. Projects are eligible so long as they do not involve the substitution of one retail energy supplier for another retail energy supplier.



**SJM 8004: PETITIONING CONGRESS TO APPROPRIATE SUPPORT FOR AN OIL SPILL PREVENTION TUGBOAT IN THE STRAIT OF JUAN DE FUCA**

*Prime Sponsor: Senator Spanel*

- Congress is requested to fund an oil spill prevention tugboat at the westward end of the Strait of Juan de Fuca, with rescue, fire fighting, spill response, and lifesaving capabilities.

**ESJM 8023: REQUESTING FULL FUNDING FOR THE CLEANUP OF THE HANFORD RESERVATION**

*Prime Sponsor: Senator Hale*

*(HJM 4015 Representative Delvin)*

- The President, Congress, and the Secretary of the United States Department of Energy are requested to fully fund the needs of a sustained environmental cleanup at the Hanford Reservation.

**SJM 8031: ENCOURAGING RE-AUTHORIZATION AND FULL FUNDING OF THE RENEWABLE ENERGY PRODUCTION INCENTIVE**

*Prime Sponsor: Senator Hale*

- The President and Congress are requested to re-authorize the Renewable Energy Production Incentive for ten more years and to fully fund it so as to maximize the potential for investments in new renewable resources by public and not-for-profit utilities.

**ESHB 1411: PROVIDING PUBLIC NOTICE OF RELEASES OF HAZARDOUS SUBSTANCES**

*Prime Sponsor: Representative Veloria*

- Certain facilities that handle hazardous wastes, and that transition from federal to state oversight, must notify the Department of Ecology (Ecology) if they know or should have known of the release of a hazardous substance. Notices must be issued within 90 days of the release, posted at the facility, and describe all remedial actions. Violations are enforceable by the Attorney General and subject to a civil penalty up to \$5,000 per day.
- Ecology must mail notice to residences, landowners, and businesses located within 300 feet of the facility or the release. Neighborhood associations, community organizations, and state and local health departments must also be notified.
- Certain releases are exempt from public notification, including the application of pesticides, use of household products for domestic purposes, de minimus releases, any release to the air, and releases on agricultural land.

**SHB 2308: ENCOURAGING RECYCLING AND WASTE REDUCTION**

*Prime Sponsor: Representative Linville*

*(SB 6480 Senator Eide)*

- The Department of General Administration will develop guidelines for managing construction waste. State recycled product standards will apply to any state-funded construction project, if products are cost-effective and readily available.
- Solid waste collection companies are allowed to keep 30 percent of revenue from sale of recyclables as an incentive to improve residential recycling.
- Incentives for developing markets for scrap tires and use of scrap tires for highway construction will be studied.

**ESHB 2326: ESTABLISHING THE WASHINGTON CLIMATE AND RURAL ENERGY DEVELOPMENT CENTER**

*Prime Sponsor: Representative Linville*

*(SB 6619 Senator Poulsen)*

- The creation of the Washington Climate and Rural Energy Development Center is authorized as a clearinghouse for climate change and clean energy activities in the state. The duties of the Center are outlined, which include a variety of data collection and information sharing responsibilities that are non-regulatory in nature.
- The Center must establish advisory groups and technical task forces that are balanced in representation to assist it, and the Legislature may establish an oversight committee.

**SHB 2441: MODIFYING THE DUTIES OF THE JOINT COMMITTEE ON ENERGY SUPPLY**

*Prime Sponsor: Representative Crouse*

*(HB 6531 Senator Fraser)*

- The authority of Joint Legislative Committee on Energy Supply is expanded so that it can meet more often than just during a declared crisis.
- Notice requirements for issuing and extending energy supply alerts and emergencies are modified so that the Governor must provide more notice to the Joint Committee, and flexibility is added to the periods of time for which extensions of alerts and emergencies may be approved or ordered.

**SHB 2446 SETTING TIME LIMITS FOR REVIEW OF WATER AND SEWER GENERAL COMPREHENSIVE PLANS**

*Prime Sponsor: Representative Miloscia*

- A sewer general comprehensive plan submitted by a city, town, public utility district, or water-sewer district for review by a state agency must either be approved, conditionally approved, rejected, or have amendments requested within 90 days after submission. Provisions for extending the timeline are included.
- The same timelines must be met by the Department of Health when reviewing water system plans and when the Department of Ecology reviews general sewer plans.

**ESHB 2506: CREATING A JOINT TASK FORCE ON GREEN BUILDING**

*Prime Sponsor: Representative Romero*

- A Joint Task Force on Green Buildings is established, with a total of ten legislative & non-legislative members, to study green building programs and low-impact development codes around the state and country and report back to the Legislature by January 1, 2003. The purpose of the study is to identify best practices and determine whether adoption of state standards might be appropriate.

**ESHB 2522: ENCOURAGING THE PURCHASE OF CLEAN TECHNOLOGIES**

*Prime Sponsor: Representative Sullivan*

*(SB 6450 Senator Jacobsen)*

- The Department of General Administration must develop, for inclusion within its existing purchasing guidelines, criteria for the purchase of clean technologies and guidelines for pursuing aggregation opportunities with other governmental entities. Electric utilities are also encouraged to aggregate renewable energy purchases.
- The Department of Community, Trade & Economic Development must include information about the implementation of these aggregation activities in the next Biennial Energy Report, due December 2002.

**HB 2526: PROVIDING EXEMPTIONS FROM SEPA FOR REDUCTIONS OF CITY LIMITS AND DISINCORPORATIONS**

*Prime Sponsor: Representative Berkey*

- Actions to reduce city or town limits or disincorporate a city or town are exempt from the State Environmental Policy Act.

**HB 2669: INCLUDING ANIMAL WASTE AS A QUALIFIED ALTERNATIVE ENERGY RESOURCE**

*Prime Sponsor: Representative Linville*

- Animal waste is added to the types of alternative energy resources that utilities may use to satisfy the requirement that they offer their customers an option to purchase electricity generated from alternative energy resources.

**E2SHB 2671: CREATING THE OFFICE OF PERMIT ASSISTANCE IN THE OFFICE OF FINANCIAL MANAGEMENT**

*Prime Sponsor: Representative Linville*

- The Permit Assistance Center at the Department of Ecology is moved to the Office of Financial Management and renamed the Office of Permit Assistance. A Permit Assistance Advisory Council is established.
- The Office furnishes permit information, facilitation, and coordination to citizens, businesses, and project applicants, and coordinates cost reimbursement.
- The officet is subject to sunset and terminates in 2007.

**2SHB 2867: MITIGATING THE EFFECTS OF THE AQUATIC PESTICIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIRED AS THE RESULT OF A RECENT COURT DECISION**

*Prime Sponsor: Representative Fromhold*

*(SB 6722 Senator T. Sheldon)*

- A maximum National Discharge Elimination Permit System permit fee of \$300 is established until June 30, 2003, for any individual or general permits required as a result of the Ninth Circuit Court of Appeals' decision in *Headwaters, Inc. v. Talent Irrigation District*.
- The Department of Ecology must take appropriate action to rescind or modify these permits if the Talent decision is overturned, modified, or further clarified by the federal court, the Environmental Protection Agency, or Congress.

**SHB 2874: AUTHORIZING THE DEPARTMENT OF ECOLOGY TO ENTER INTO AGREEMENTS TO ALLOCATE GROUNDWATERS THAT EXIST AS A RESULT OF THE COLUMBIA BASIN PROJECT**

*Prime Sponsor: Representative Schoesler*

- The Department of Ecology is authorized to enter into agreements with the United States to allocate groundwater that has accumulated in Franklin County as a result of the Columbia Basin Project.
- The Department is also authorized to adopt rules for implementing the agreements and to recover the costs of the allocating.
- The Department must report to the Legislature annually for five years regarding the development and implementation of the agreements, the rule-making, and the cost recovery.

## **EHB 2993: MODIFYING WATER PROVISIONS**

*Prime Sponsor: Representative Linville*

- Reuse of treated industrial process water is allowed and streamlined permitting is provided. Some restrictions are removed on permitting of water storage and use of stored water. A water conservation account is created for federal and state funding of conservation through the public works board.
- The Department of Ecology is required to use education, information, and technical assistance to try to achieve voluntary compliance with water laws before taking enforcement action, unless other water rights or public resources are being harmed.
- The Department is required to process water right changes without examining the extent or validity of the entire water right, when a portion of water right is donated to the trust water rights program to help achieve instream flows. Donations of water rights to instream flows are no longer limited to streams that have listed species.

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# HEALTH & LONG-TERM CARE

786-7436

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## **SSB 5099: DESIGNATING MEDICAL DIRECTORS**

*Prime Sponsor: Senator Winsley*

- A health insurance carrier that offers dental-only coverage must designate a dental director who is licensed as a dentist in Washington or in a state determined by the Dental Quality Assurance Commission to have licensing standards that are substantially equivalent to those in Washington.

## **2ESSB 5291: REQUIRING RESIDENTS IN LONG TERM CARE FACILITIES HAVE ACCESS TO CERTAIN IMMUNIZATIONS**

*Prime Sponsor: Senator Costa*

- All residents of long-term care facilities must have access to immunizations for influenza.
- Facilities must also provide residents with information about the importance of having the pneumococcal and influenza vaccines.

## **SSB 5433: PROVIDING FOR ESTABLISHMENT OF PARENT AND CHILD RELATIONSHIP FOR CHILDREN BORN THROUGH ALTERNATIVE REPRODUCTIVE MEDICAL TECHNOLOGY**

*Prime Sponsor: Senator Regala*

- A parent and child relationship may be established by affidavit for children born through assisted reproductive technology.
- An egg donor may be treated in law as the mother of a child conceived through assisted reproductive technology if there is a written agreement among the intended parents.

## **ESSB 5777: PERMITTING RETIRED AND DISABLED EMPLOYEES TO OBTAIN HEALTH INSURANCE**

*Prime Sponsor: Senator Prentice*

*(HB 1799 Representative Cody)*

- A local government must allow its retired or disabled employees to continue participation in its employee health plan. Those choosing to continue participation may be required to pay to the full cost of doing so.
- The act takes effect January 1, 2003, but local governments have a year following this date to comply.

## **SSB 6537: PROVIDING EMERGENCY CONTRACEPTION TO SEXUAL ASSAULT VICTIMS**

*Prime Sponsor: Senator Costa*

*(HB 2690 Representative Schual-Berke)*

- Hospitals are required to provide emergency contraception to sexual assault victims who request it and to provide accurate, up-to-date information about emergency contraception to any sexual assault victim who comes to an emergency room for care.
- The Department of Social and Health Services is directed to convene a task force to help develop informational materials on emergency contraception for distribution to hospitals.

**SB 6587: REPEALING STATE REGULATION OF EYE BANKS**

*Prime Sponsor: Senator Thibaudeau*

*(HB 2613 Representative Darneille)*

- The authority of the Department of Health to license eye banks is repealed.

**SB 6698: EXEMPTING REFLEXOLOGISTS FROM REGULATION AS MASSAGE PRACTITIONERS**

*Prime Sponsor: Senator Thibaudeau*

- Persons who only practice reflexology are exempted from regulation as massage therapists.

**SJM 8001: EXPLORING THE OPTION OF MANAGING PRESCRIPTION DRUG PRICES THROUGH COOPERATIVE STRATEGIES WITH OTHER NORTHWEST STATES**

*Prime Sponsor: Senator Franklin*

- The increasingly significant contribution of prescription medications to managing and treating illness is recognized, but concern is expressed about their cost to the general public and to government health care programs.
- Washington State officials are called on to explore the possibility of working in concert with other Northwest states to ensure reasonable prescription medication prices through such strategies as joint pricing and purchasing agreements.

**SHB 1741: PROVIDING A PLAN OF HEALTH INSURANCE FOR BLIND VENDORS**

*Prime Sponsor: Representative Hunt*

- The Public Employees' Benefits Board must offer a health insurance plan to blind licensees participating in the state's business enterprise program.
- The costs for those licensees choosing to enroll will be paid for from net proceeds from vending machines operated in public buildings under the business enterprise program.

**SHB 1759: ALLOWING FOR THE SALE OF HYPODERMIC SYRINGES AND NEEDLES TO REDUCE THE TRANSMISSION OF BLOODBORNE DISEASES**

*Prime Sponsor: Representative Darneille*

- It is declared lawful for persons over the age of eighteen to possess sterile syringes and needles for the purpose of reducing bloodborne diseases.
- Although retailers are not required to sell needles and syringes, they may sell them to individuals over eighteen as long as the sales are limited to the number of used syringes and needles returned by the purchaser.

**SHB 2309: CONCERNING THE AUTHORITY OF THE WASHINGTON STATE BOARD OF DENTURISTS**

*Prime Sponsor: Representative Cody*

*(SB 6442 Senator Thibaudeau)*

- The licensing authority of the Secretary of Health for dentist is transferred to the Washington State Board of Denturists which is currently responsible for determining the qualifications of applicants and the examination requirements.

**HB 2312: REPEALING DEPARTMENT OF HEALTH REGISTRATION OF ADULT FAMILY HOMES**

*Prime Sponsor: Representative Cody*

*(SB 6443 Senator Thibaudeau)*

- *HB 2312 is incorporated in its entirety into HB 2444.*

**SHB 2315: PROVIDING FOR THE REGISTRATION OF RECREATIONAL THERAPISTS**

*Prime Sponsor: Representative Cody*

- A registration program for recreational therapists is established under the Secretary of the Department of Health.

**HB 2317: MAKING TECHNICAL CHANGES TO TITLE 48 RCW**

*Prime Sponsor: Representative Cooper*

*(SB 6339 Senator Keiser)*

- Several technical changes are made to the state insurance code, including correcting internal references, making state law consistent with federal law regarding Medicare supplemental policies, and clarifying the application of certain dispute resolution provisions.

**HB 2318: ALLOWING A DESIGNEE TO REPRESENT THE INSURANCE COMMISSIONER ON THE HEALTH CARE FACILITIES AUTHORITY**

*Prime Sponsor: Representative Cody*

*(SB 6340 Senator Thibaudeau)*

- The Insurance Commissioner is authorized to send a designee to meetings of the Health Care Facilities Authority.

**HB 2444: SPECIFYING QUALIFICATIONS FOR ADULT FAMILY HOME PROVIDERS AND RESIDENT MANAGERS**

*Prime Sponsor: Representative Darneille*

*(SB 6289 Senator Fairley)*

- Individuals are authorized to apply for an adult family home license if they have completed education equivalent to a high school diploma
- *HB 2312 is incorporated in its entirety into HB 2444.*
  - The adult family home registration program under the Department of Health is repealed.
  - An adult family home advisory committee is created.

**HB 2501: MODIFYING PROVISIONS CONCERNING CHIROPRACTICS**

*Prime Sponsor: Representative Campbell*

*(SB 6454 Senator Thibaudeau)*

- Chiropractors may perform extremity manipulations separately from spinal manipulations and may provide complete dietary and nutritional supplementation advice.

**SHB 2536: OFFERING HEALTH CARE BENEFIT PLANS TO SCHOOL DISTRICT EMPLOYEES**

*Prime Sponsor: Representative Fromhold*

*(SB 6574 Senator McAuliffe)*

- School districts may purchase health insurance for their employees from the state Health Care Authority (HCA) under the same rate structure as state employees, as long as the HCA determines that doing so does not adversely impact the HCA insurance account.

**HB 2588: MODIFYING THE INFORMATION REQUIRED ON A PRESCRIPTION LABEL**

*Prime Sponsor: Representative Skinner*

*(SB 6653 Senator Thibaudeau)*

- Technical changes are made to the information required on a prescription label, including prescription number and strength of the medication.
- The dispensing pharmacist may be identified either on the prescription label or in the pharmacy record system.

**SHB 2589: PROVIDING FOR LICENSURE OF AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS**

*Prime Sponsor: Representative Linville*

- Audiologists and speech-language pathologists must be licensed by the Department of Health in order to practice.

**ESHB 2707: CONCERNING LONG-TERM CAREGIVER TRAINING**

*Prime Sponsor: Representative Edwards*

- The implementation date for the new caregiver training standards is extended from March 1, 2002, to September 1, 2002.
- The long-term care training and education steering committee is made advisory for the duration of its term, which is shortened by one year (to end on July 1, 2003).
- Boarding homes and adult family homes are permitted to attest that their training curriculum is equivalent to the Department of Social and Health Services' requirements, subject to department review.

**HB 2824: REVISING CONFLICT OF INTEREST PROVISIONS FOR THE LONG-TERM CARE OMBUDSMAN PROGRAM**

*Prime Sponsor: Representative Skinner*

- The period of time during which individuals are prohibited from working as long-term care ombudsmen due to specified conflicts of interest is reduced to one year.

**EHJM 4025: REQUESTING THAT CONGRESS MODIFY IDEA TO ALLOW PARENT CHOICE FOR ASSESSMENT AND TREATMENT**

*Prime Sponsor: Representative Schindler*

*(SJM 8037 Senator West)*

- Congress is requested to modify the wording for "natural environments" during the reauthorization of the federal Individuals with Disabilities Education Act (IDEA) to allow for parent choice in where their developmentally disabled infants and toddlers are assessed and treated.



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# HIGHER EDUCATION

786-7415

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**SSB 5166: ALLOWING STATE FINANCIAL AID TO BE USED AT WASHINGTON BRANCH  
CAMPUSES OF ACCREDITED OUT-OF-STATE INSTITUTIONS OF HIGHER  
EDUCATION**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 2002 Representative Kessler)*

- Students eligible for federal financial aid who attend on-site instruction at a Washington branch campus of a higher education institution accredited in another state may be eligible for state financial aid if the branch campus has been operating in Washington for a minimum of 20 years and has an enrollment of at least 700 FTE.

**SSB 5552: EXPANDING BORDER COUNTY HIGHER EDUCATION OPPORTUNITIES**

*Prime Sponsor: Senator Carlson*

- The Border County Higher Education Opportunity Project continues as a pilot until June 30, 2004, is expanded to include a few more Oregon Counties and three more Washington higher education institutions, requires one-year residency in participating counties, and requires a second report from the Higher Education Coordinating Board by December 1, 2003.

**SB 6557: PROVIDING FOR THE HIGHER EDUCATION COORDINATING BOARD TO SELECT ITS  
CHAIR AND VICE-CHAIR**

*Prime Sponsor: Senator Kohl-Welles*

- Following the term of the current chair, the members of the Higher Education Coordinating Board are authorized to select from their membership a chair and vice chair that will each serve in that capacity for a one-year term. The chair or vice-chair may serve more than one term if the board chooses to reselect them.

**SB 6628: ESTABLISHING THE PROBATIONARY PERIOD FOR CAMPUS POLICE OFFICER  
APPOINTEES**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 2685 Representative Kenney)*

- The Washington Personnel Resources Board is required to set the probationary period for campus police officer appointees at 12 months from the date the officer successfully completes the basic law enforcement academy training rather than at 12 months from the date of appointment.

**HB 2386: CLASSIFYING MEMBERS OF THE WASHINGTON NATIONAL GUARD AS RESIDENT  
STUDENTS**

*Prime Sponsor: Representative Simpson*

*(SB 6640 Senator Rasmussen)*

- Members of the Washington National Guard who live in other states are determined to be residents for tuition paying purposes. The spouse and dependents of Washington National Guard members are considered residents for tuition paying purposes, with no waiting period, so long as they reside in Washington.

**HB 2438: EXPANDING THE RUNNING START PROGRAM TO ALLOW PARTICIPATION BY THE EVERGREEN STATE COLLEGE**

*Prime Sponsor: Representative Kenney*

*(SB 6411 Senator Kohl-Welles)*

- The Evergreen State College is added to the list of four-year institutions allowed to participate in the Running Start Program.

**HB 2678: REQUIRING INSTITUTIONS OF HIGHER EDUCATION TO PUT IN PLACE AN ACTIVE PROMPT ON THEIR WEB SITES THAT LINK TO THE SECRETARY OF STATE'S VOTER REGISTRATION WEB SITE**

*Prime Sponsor: Representative Upthegrove*

- *HB 2678 is incorporated in its entirety into HB 2332.*

**SHB 2736: AUTHORIZING THE UNIVERSITY OF WASHINGTON AND WASHINGTON STATE UNIVERSITY TO MAKE FINANCING ARRANGEMENTS FOR RESEARCH FACILITIES**

*Prime Sponsor: Representative Murray*

*(SB 6721 Senator West)*

- The University of Washington and Washington State University are authorized to borrow or pledge research funds to finance research property, to lease and lease-out facilities for research, and to enter into finance contracts without prior state approvals.
- State funds may not be used to maintain or operate research property so acquired. No state general funds are obligated in the event sponsored research funding declines or is eliminated.
- The Legislature will receive an annual report on these research financing activities.

**SHB 2807: CREATING THE WASHINGTON PROMISE SCHOLARSHIP**

*Prime Sponsor: Representative Kenney*

- The Washington Promise Scholarship is established for needy and meritorious students who meet specified financial and academic eligibility criteria. The program will be administered by the Higher Education Coordinating Board with the assistance of the Office of the Superintendent of Public Instruction.
- Scholarships are awarded for two years and shall not exceed the rate of tuition for a resident student at a community college. They may be used for undergraduate coursework and may not be used for pursuing a degree in theology.
- Scholarships may be used at accredited Washington institutions and Oregon institutions that are a part of the Border County Project if they offer programs not available at accredited Washington institutions.

**EHB 2841: REQUIRING A STUDENT MEMBER ON THE HIGHER EDUCATION COORDINATING BOARD**

*Prime Sponsor: Representative Chase*

- One student member will be appointed to the Higher Education Coordinating Board to serve a one-year term. The Board will now have ten members.

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# HUMAN SERVICES & CORRECTIONS

786-7407

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## **ESSB 5207: REGULATING DNA TESTING**

*Prime Sponsor: Senator Hargrove*

- A person's deoxyribonucleic acid (DNA) is added to the definition of health care information.

## **ESSB 5236: ENSURING THE HEALTH AND SAFETY OF NEWBORN INFANTS WHO HAVE BEEN ABANDONED AND EXEMPTING FROM CRIMINAL LIABILITY PERSONS WHO ABANDON THEM INTO THE CUSTODY OF A QUALIFIED PERSON**

*Prime Sponsor: Senator Kohl-Welles*

- A parent is not criminally liable for abandoning a newborn infant if it is left at a hospital with hospital staff or a fire station with fire or emergency personnel.

## **ESB 5692: CREATING YOUTH COURTS**

*Prime Sponsor: Senator Costa*

- The Office of the Administrator for the Court is directed to encourage cities and counties to implement youth court programs for juveniles who commit diversion-eligible offenses and civil or traffic infractions.
- Guidelines are set for fees, penalties, parental involvement, and school involvement.

## **SSB 6240: CLARIFYING THE PROCEDURE FOR PROVIDING OFFENDERS WITH A CERTIFICATE OF DISCHARGE**

*Prime Sponsor: Senator Franklin*

- The Department of Corrections must notify the sentencing court when offenders have completed all requirements of their sentences so that a certificate of discharge can be issued by the court.
- The Department of Corrections will maintain a database of the certificates of discharge.

## **SB 6272: AUTHORIZING CONTRACTS FOR PROVISION OF BASIC MEDICAL CARE TO SEXUALLY VIOLENT PREDATORS**

*Prime Sponsor: Senator Long*

*(HB 2683 Representative O'Brien)*

- The Department of Social and Health Services is authorized to indemnify contracted health care providers treating sexually violent predators under its care.

## **SSB 6286: REVISING PROVISIONS RELATING TO THE TIME PERMITTED FOR REVIEW BY THE INDETERMINATE SENTENCE REVIEW BOARD OF SEX OFFENDERS WHO ARE SENTENCED TO SHORT SENTENCES UNDER RCW 9.94A.712**

*Prime Sponsor: Senator Long*

- When sex offenders subject to determinate-plus sentencing have 120 days or less remaining on their sentences at the time they are transferred to the Department of Corrections (DOC), DOC and the End of Sentence Review Committee must complete their investigation and examination of the offenders within 90 days, and the Indeterminate Sentence Review Committee must determine whether they are more likely than not to commit new sex offenses within 120 days.

**SB 6287: CLARIFYING THE STATUS OF PERSONS WHO COMMIT CRIMINAL OFFENSES WHILE CIVILLY DETAINED OR COMMITTED UNDER CHAPTER 71.09 RCW**

*Prime Sponsor: Senator Long*

*(HB 2683 Representative O'Brien)*

- A person civilly detained or committed as a sexually violent predator, who is subsequently incarcerated for a crime, remains under the jurisdiction of the Department of Social and Health Services (DSHS) and must be returned to DSHS custody following completion of the criminal sentence or release from incarceration.
- The provision does not apply to persons sentenced to life without possibility of release while civilly detained or committed as a sexually violent predator.

**SB 6341: AMENDING THE JUDICIAL REVIEW OF SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL FUNDING REQUIREMENTS**

*Prime Sponsor: Senator Hargrove*

- In order to bring the state into compliance with federal funding requirements for Byrne grant money, courts are no longer allowed discretion to relieve an offender of the duty to register as a sex offender if the offender has been convicted of an aggravated offense or more than one sexually violent offense.

**SSB 6402: PROVIDING FOR LEGAL FINANCIAL OBLIGATION DEDUCTIONS FROM INMATE FUNDS AND WAGES**

*Prime Sponsor: Senator Costa*

- Without exception, legal financial obligations must be deducted from an inmate's gross wages, along with deductions for payment to the Public Safety and Education Account, personal savings, and the cost of incarceration.

**SB 6408: RESTORING SEX OFFENDER REGISTRATION FOR NONFELONY COMMUNICATION WITH A MINOR CONVICTIONS**

*Prime Sponsor: Senator Costa*

- Gross misdemeanor convictions for communication with a minor for immoral purposes are restored to the list of offenses included in the sex offender registration statute.

**SB 6469: AUTHORIZING RELEASE OF MENTAL HEALTH SERVICES INFORMATION TO DEPARTMENT OF CORRECTIONS**

*Prime Sponsor: Senator Long*

*(HB 2476 Representative Lovick)*

- Information related to mental health services for persons under the Indeterminate Sentence Review Board is included in the information sharing provisions related to offenders and must be released to the Department of Corrections.

**SB 6482: REMOVING TIME LIMITS FOR TREATMENT UNDER THE ALCOHOL AND DRUG ADDICTION TREATMENT AND SUPPORT ACT**

*Prime Sponsor: Senator Long*

- The six-month limit on ADATSA (Alcohol and Drug Addiction Treatment and Support Act) services is removed.

**SSB 6488: CREATING A STATEWIDE REGISTERED SEX OFFENDER WEB SITE**

*Prime Sponsor: Senator Costa*

- The Washington Association of Sheriffs and Police Chiefs (WASPC) is required to create a web site with links to county web sites containing sex offender registration information.

**ESSB 6535: AUTHORIZING A DISPOSITION OUTSIDE THE STANDARD RANGE FOR THE CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE FOR JUVENILE OFFENDERS**

*Prime Sponsor: Senator Hargrove*

- Courts are permitted to impose and then suspend a longer sentence so that a juvenile offender can be ordered to complete a chemical dependency disposition alternative.

**ESSB 6594: IMPLEMENTING THE RECOMMENDATIONS OF THE JOINT SELECT COMMITTEE ON THE EQUITABLE DISTRIBUTION OF SECURE COMMUNITY TRANSITION FACILITIES**

*Prime Sponsor: Senator Carlson*

*(HB 2598 Representative O'Brien)*

- The existing criteria is refined for siting and operating Secure Community Transition Facilities (SCTFs), and local governments are protected from lawsuits for developing regulations to site SCTFs according to the statute. The planning grant application deadline is extended for 120 days.
- If King, Snohomish, Kitsap, Thurston, Clark, and Spokane counties and the cities in them have not completed their planning and development regulations for SCTFs by October 1, 2002, they will be preempted with respect to permitting and siting SCTFS.
- When DSHS sites an SCTF in a preempted city or county, the city or county may propose specific public safety measures. A limited appeal process is provided if the city or county believes the response by DSHS is inadequate.
- Law enforcement must respond to calls regarding residents of SCTFs as high priority calls. When officers respond reasonably and in good faith to calls regarding residents of SCTFs, the officers and their employing jurisdiction are not civilly liable for the acts of the resident or the actions of the officers in responding.

**SB 6627: RENAMING, WITH REGARD TO ADULT AND JUVENILE OFFENDERS, "COMMUNITY SERVICE" AS "COMMUNITY RESTITUTION"**

*Prime Sponsor: Senator Costa*

- The term "community service" is changed to "community restitution" for purposes of public and court-related documents.

**SSB 6629: REQUIRING THE ADMINISTRATOR FOR THE COURTS TO CREATE A FAMILY LAW HANDBOOK**

*Prime Sponsor: Senator Sheahan*

*(HB 2852 Representative Miloscia)*

- The Administrator for the Courts must create a handbook explaining various family law issues such as marriage, child support, dissolution, and domestic violence for distribution by county auditors to all people filing for marriage licenses.

**SB 6664: REQUIRING OFFENDERS TO PROPOSE A RELEASE PLAN**

*Prime Sponsor: Senator Costa*

- In response to a recent appellate court ruling, the Legislature re-affirms that the Department of Corrections (DOC) has the authority to require offenders to have an approved release plan, including an approved residence or living arrangement, prior to transferring to a community setting. This authority exists separate from the conditions of an offender's sentence, and the clarification applies retroactively.
- DOC must require offenders sentenced to terms of community placement or community custody to propose a release plan that includes an approved residence and living arrangement and may deny the plan if it would: (1) violate the conditions of supervision; (2) place the offender at a risk of violating the conditions of supervision or reoffending; or (3) would present a risk to community or victim safety.

**ESSB 6702: PROTECTING SIBLING RELATIONSHIPS**

*Prime Sponsor: Senator Stevens*

- The courts and the Department of Social and Health Services must consider the need for siblings to maintain contact when a child is placed out of the home.

**SB 6709: ADDRESSING SERVICE AND EDUCATION PLANNING FOR CHILDREN IN OUT-OF-HOME CARE**

*Prime Sponsor: Senator Eide*

- A Department of Social and Health Services and Office of the Superintendent of Public Instruction workgroup is convened to make recommendations to the Legislature as to how children placed in short-term foster care can remain in the school they attended prior to being placed in foster care.
  - *SB 6709 incorporates in its entirety ESHB 2356.*

**SB 6763: CREATING A TASK FORCE ON SERVICES FOR CRIME VICTIMS**

*Prime Sponsor: Senator Costa*

- The Department of Community, Trade, and Economic Development must staff a task force to evaluate and make recommendations regarding funding for under-served crime victim populations.

**SB 6788: AUTHORIZING A TRAVEL PAYMENT FOR OUT-OF-STATE PARENTS OF HOMICIDE VICTIMS**

*Prime Sponsor: Senator Costa*

- A lump sum payment of \$7,500 is authorized for dependent parents of a homicide victim if they are asked by law enforcement to attend a criminal trial related to the death of the victim and must travel from out of state.

**ESHB 1144: MODIFYING GOOD CAUSE REASONS FOR FAILURE TO PARTICIPATE IN THE WORKFIRST PROGRAM**

*Prime Sponsor: Representative Kessler*

- The conditions are prescribed under which a parent receiving Temporary Assistance to Needy Families is exempt from the requirements to participate in WorkFirst if they have an infant under 12 months old.

**SHB 1397: ENCOURAGING SUPPORT SERVICES FOR KINSHIP CAREGIVERS**

*Prime Sponsor: Representative Tokuda*

*(SB 5480 Senator Fairley)*

- The Department of Social and Health Services is required to convene a work group to review the Washington State Institute for Public Policy study on kinship caregivers and identify policy issues which can be addressed by the Legislature.

**ESHB 2356: CREATING A WORKING GROUP AND PILOT PROJECT TO ADDRESS SCHOOL AGE CHILDREN WHO ENTER SHORT-TERM FOSTER CARE**

*Prime Sponsor: Representative Kagi*

- *ESHB 2356 is incorporated in its entirety into SB 6709.*

**HB 2380: CHANGING PROVISIONS RELATING TO SEGREGATION OF CHILDREN OFFENDERS FROM ADULT OFFENDERS**

*Prime Sponsor: Representative Dickerson*

- The Department of Corrections (DOC) may allow an offender who reaches age 18 to remain in a DOC housing unit for offenders under 18 years of age until the offender turns 21.
- A juvenile who is convicted of rape in the first or second degree or child rape in the first degree must be confined pending disposition.

**HB 2401: REIMBURSING EMPLOYEES OF THE DEPARTMENT OF NATURAL RESOURCES WHO ARE VICTIMS OF ASSAULT.**

*Prime Sponsor: Representative Doumit*

*(SB 6260 Senator Jacobsen)*

- A benefit is provided for Department of Natural Resources staff who are assaulted while supervising adult or juvenile offenders.

**HB 2421: EXEMPTING FROM PUBLIC INSPECTION SPECIFIED INFORMATION ON CORRECTIONAL FACILITIES**

*Prime Sponsor: Representative Morell*

- Local and state correctional facilities are authorized to withhold vulnerability assessments and emergency and escape response plans from public disclosure.

**HB 2454: STUDYING PROGRAMS FOR AT-RISK YOUTH INTERVENTION**

*Prime Sponsor: Representative Dickerson*

- *This study bill was incorporated into the operating budget as a proviso.*
- The Washington State Institute for Public Policy will research and recommend to the Legislature the means by which: (1) proven best practices could be identified; (2) reductions in the state justice system caseloads could be

estimated; and (3) unit and total cost savings could be estimated for at-risk-youth intervention and prevention programs.

### **SHB 2468SB: FACILITATING THE CONVICTED OFFENDER DNA DATA BASE**

*Prime Sponsor: Representative Miloscia*

*(SB 6473 Senator Hargrove)*

- Offenders convicted of a felony, stalking, harassment or communicating with a minor for immoral purposes must submit a biological deoxyribonucleic acid (DNA) sample to be included in the offender DNA data base.
- How the DNA data can be used is described, sample collection procedures are established, fees are set and collection procedures are provided.
  - *SB 6473 incorporated SB 6489 in its entirety.*

### **SHB 2568: FORMALIZING THE RELATIONSHIP BETWEEN THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND THE WASHINGTON STATE SCHOOL FOR THE DEAF**

*Prime Sponsor: Representative Dickerson*

*(SB 6625 Senator Kohl-Welles)*

- The Department of Social and Health Services is authorized to conduct investigations at the Washington State School for the Deaf and to monitor the school for child health and safety issues.

### **ESHB 2574: ESTABLISHING DEMONSTRATION SITES FOR A STATEWIDE CHILDREN'S SYSTEM OF CARE**

*Prime Sponsor: Representative Ogden*

- DSHS may establish statewide demonstration sites for "children's system of care" programs for children with significant mental health problems. The sites must have received federal grant funding.
- "Children's system of care" means a child-based and family-driven method of providing integrated services focused on the strengths of the child and his or her family in the context of their home, school, and community.

### **SHB 2767: PROHIBITING USE OF PUBLIC ASSISTANCE ELECTRONIC BENEFIT CARDS FOR SPECIFIED PURPOSES**

*Prime Sponsor: Representative Orcutt*

- Recipients of electronic benefit transfer cards are prohibited from using their cards or cash obtained from their cards for gambling, horse racing, or purchasing lottery tickets.

### **HB 2768: REQUIRING REVIEW OF REPORTS TO THE LEGISLATURE BY DSHS**

*Prime Sponsor: Representative Orcutt*

- The Department of Social and Health Services must review all reports it is required to submit to the Legislature and to make recommendations about whether such reports should continue to be submitted.



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# JUDICIARY

786-7462

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## **SSB 5369: REVISING PROVISIONS FOR JURISDICTION IN CHILD SUPPORT MATTERS**

*Prime Sponsor: Senator Kline*

- The statutes governing establishment of child support are changed to include provisions terminating child support when parents marry and allowing non-parent custodians the same notice and hearing rights as a custodial parent.

## **SB 5373: CHANGING MANDATORY ARBITRATION OF CIVIL ACTIONS**

*Prime Sponsor: Senator Sheahan*

- An offer of compromise procedure is provided for mandatory arbitration cases that are appealed to the superior court.
- The process provides that a non-appealing party may serve an appealing party with a written offer to settle the case. If the appealing party does not accept the offer, the amount of the offer becomes the basis for determining whether the party that demanded the trial de novo fails to improve his or her position on appeal for purposes of awarding reasonable attorney fees and costs under the court rules.

## **ESB 5624: REQUIRING DISCLOSURE OF FIRE PROTECTION AND BUILDING SAFETY INFORMATION**

*Prime Sponsor: Senator Kohl-Welles*

*(HB 1433 Representative Cooper)*

- Landlords of single-family residences must provide written notice to tenants disclosing fire safety and protection information.
- The landlord of a multi-family dwelling must provide written notice or a checklist to tenants that discloses specified fire protection and safety information for the building.

## **E2SSB 5827: CHANGING PROVISIONS RELATING TO THE ENFORCEMENT OF JUDGMENTS**

*Prime Sponsor: Senator McCaslin*

- Parties with judgments issued by any court may, at any time within ten years of the judgement, have an execution issued for collection or enforcement of any judgment entered or filed in this state.
- Judgments from these courts may be extended for an additional ten years upon application to the rendering or filing court.
- Any current legal owner or holder of a judgment may have the execution issued and may apply for an extension.
- Judgments are not enforceable beyond 20 years from the original date of entry, except for legal financial obligations and restitution in an adult or juvenile criminal case or for child support obligations.

## **ESB 5852: REPORTING ON ISSUES PERTAINING TO RACIAL PROFILING**

*Prime Sponsor: Senator Franklin*

*(HB 2018 Representative O'Brien)*

- Local law enforcement agencies must institute various training and educational programs to prevent racial profiling.
- The Criminal Justice Training Commission must ensure that racial profiling issues are addressed in law enforcement training classes conducted by the commission.

- The Washington Association of Sheriffs and Police Chiefs must report to the Legislature by December 31, 2002, and each year thereafter, on the progress of local law enforcement agencies in meeting the requirements of the act.

**2ESB 6001: AUTHORIZING INSPECTIONS OF COMMON AREAS AND TENANT DWELLING UNITS FOR FIRE CODE VIOLATIONS**

*Prime Sponsor: Senator Carlson*

- Fire officials may immediately seek a search warrant if tenants or landlords deny a fire official the right to search dwelling units and common areas.
- A court must issue a search warrant if it finds there is probable cause, specific to the dwelling unit or common area, of a criminal fire code violation.

**ESSB 6076: MODIFYING THE POWERS AND DUTIES OF FISH AND WILDLIFE LAW ENFORCEMENT OFFICERS**

*Prime Sponsor: Senator Kline*

*(HB 2153 Representative Kessler)*

- Fish and Wildlife officers are designated as general authority peace officers and vested with generally the same police powers and duties as sheriffs and peace officers.
- Fish and Wildlife officers do not have the authority to conduct warrantless searches of noncommercial private areas or otherwise exceed constitutional search provisions.

**ESB 6232: REVISING CRIMES RELATING TO POSSESSION OF AMMONIA**

*Prime Sponsor: Senator Rasmussen*

- All references to anhydrous ammonia relating to the theft and unlawful storage of anhydrous ammonia are changed to "pressurized ammonia gas" and "pressurized ammonia gas solution."
- Solid waste haulers who unknowingly possess or transport pressurized ammonia gas or gas solution in the normal course of business are not guilty of the offense.

**SSB 6233: CLARIFYING REFERENCES TO EPHEDRINE, PSEUDOEPHEDRINE, AND AMMONIA**

*Prime Sponsor: Senator Rasmussen*

- Possession of any of the following, with the intent to manufacture methamphetamine, is unlawful: (1) ephedrine or any of its salts or isomers, or salts of isomers; (2) pseudoephedrine or any of its salts or isomers, or salts of isomers; or (3) pressurized ammonia gas and gas solution

**SB 6242: MODIFYING THE DEFINITION OF NONPROBATE ASSET**

*Prime Sponsor: Senator Johnson*

- The definition of "nonprobate asset" is modified to recognize controlling federal law and includes those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument other than the decedent's will.
- Eligible written instruments may include a payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account unless provided otherwise by controlling federal law.

**SB 6266: UPDATING CREDITOR/DEBTOR PERSONAL PROPERTY EXEMPTIONS**

*Prime Sponsor: Senator Johnson*

*(HB 2300 Representative Lantz)*

- Current personal property exemptions from legal process are doubled for the following: (1) community household goods (\$5,400); (2) "other personal property" (\$2,000), including not more than \$200 in cash and not more than \$200 in accounts or securities; and (3) motor vehicles (\$5,000).
- Exemptions are created for up to \$16,150 for the right to or proceeds of payments for personal bodily injury of the debtor, for payments for loss of future earnings, for child support payments, and for professionally prescribed health aids for the debtor and dependents.

**SSB 6267: REVISING THE PRINCIPAL AND INCOME ACT**

*Prime Sponsor: Senator Johnson*

- The Washington Revised Uniform Principal and Income Act of 1971 is modernized to incorporate commonly used methods of transferring property, establish new rules, and change outdated legal principles

**SB 6292: AUTHORIZING LAY JUDICIAL OFFICERS**

*Prime Sponsor: Senator Kline*

- A candidate for district or municipal court judge must be an attorney admitted to the practice of law in the state of Washington unless the candidate resides in a district or municipality with a population less than 5,000.
- In districts or cities with less than 5,000 population, a candidate is eligible to run for district or municipal court judge if the person has passed the qualifying examination for a lay judicial officer by January 1, 2003.

**SB 6293: HEARING CERTAIN CRIMINAL ACTIONS BY VIDEO OR OTHER ELECTRONIC MEANS**

*Prime Sponsor: Senator Kline*

- District and municipal courts have jurisdiction to conduct video or electronic hearings for criminal statute violations if the defendant is located outside the court's geographic jurisdiction or boundaries.

**SB 6401: STANDARDIZING REFERENCES TO COUNTY CLERKS**

*Prime Sponsor: Senator Kline*

- Where current law requires county clerks to keep certain information, references are standardized so that the information is entered into a "record" or in the form of a "record," rather than in a "journal" or "book."
- All owners of federally assisted housing must serve a written notice of the anticipated expiration or prepayment date on each tenant household and on the clerk of the city or of the county legislative authority if in an unincorporated area.

**SB 6417: REGARDING THE FILING OF WILLS IN SUPERIOR COURT**

*Prime Sponsor: Senator Johnson*

- Wills filed with the clerk of the superior court must be noted by the clerk in a record of wills and may be withdrawn from the record only by order of the court.

**SSB 6422: DEFINING "PROPERTY OF ANOTHER" FOR PURPOSES OF CRIMES AGAINST PROPERTY**

*Prime Sponsor: Senator Costa*

- For purposes of the arson, reckless burning, and malicious mischief chapter, the term "property of another" means property in which the actor possesses anything less than exclusive ownership.

**SSB 6423: CLARIFYING HOW CRIMINAL HISTORY SHOULD BE USED IN SENTENCING DECISIONS**

*Prime Sponsor: Senator Costa*

- In response to Washington Supreme Court decisions findings that the Legislature failed to explicitly command that the sentence provisions applicable on the date of the offense should be used during sentencing, prior convictions not counted in the offender score or included in the criminal history under repealed or previous versions of the Sentencing Reform Act (SRA) are included in a criminal history and are counted in the offender's score if the current version of the SRA requires their inclusion.

**ESSB 6428: PROVIDING FOR LOSS PREVENTION REVIEW TEAMS**

*Prime Sponsor: Senator B. Sheldon*

*(HB 2353 Representative Alexander)*

- The Office of Financial Management is to form a loss prevention review team to review a death, serious injury, or other substantial loss that allegedly involves a state agency.
- The final report of a loss prevention review team is inadmissible in a civil proceeding, except for impeaching a witness.
- A member of a loss prevention review team is prevented from testifying in a civil proceeding as to the work of the review team or the incident under review.
- A person who has provided statements to a loss prevention review team is prevented from being examined in a civil proceeding regarding the person's interactions with the review team.

**SB 6429: REGULATING THE ADMISSIBILITY OF BENEVOLENT GESTURES IN CIVIL ACTIONS**

*Prime Sponsor: Senator B. Sheldon*

*(HB 2354 Representative Alexander)*

- Statements, writings or benevolent gestures made to a person or the person's family that express sympathy relating to the pain, suffering or death of the person involved in an accident are inadmissible as evidence in a civil action.

**SB 6484: AUTHORIZING ADDITIONAL TRUST AUTHORITY TO TAKE ADVANTAGE OF FEDERAL ESTATE TAX BENEFITS FOR CONSERVATION EASEMENTS**

*Prime Sponsor: Senator Haugen*

*(HB 2329 Representative Lantz)*

- A trustee may donate a conservation easement in order to qualify for federal estate tax exclusions or deductions if the trust instrument itself allows the donation or every affected beneficiary of the trust has agreed to the donation.

**ESSB 6490: INCREASING PENALTIES FOR TAKING A MOTOR VEHICLE WITHOUT PERMISSION**

*Prime Sponsor: Senator Roach*

- The crime of taking a motor vehicle without permission is divided into two degrees.
- Taking a motor vehicle without permission in the second degree, a class C felony and ranked at seriousness level II, is committed by taking a motor vehicle without permission or voluntarily riding in it with knowledge of the fact it was unlawfully taken.
- A person is guilty of taking a motor vehicle without permission in the first degree, a class B felony and ranked at seriousness level V for adult offenders, if a person takes a motor vehicle without permission and does any of the following: (1) alters the vehicle in order to change its appearance or primary identification; (2) removes or participates in removing a part or parts from the vehicle; (3) exports or attempts to export the vehicle across state lines or out of the U.S. for profit; (4) intends to sell the motor vehicle; or (5) engages in a conspiracy where the object is the theft of motor vehicles for sale to others.

**SB 6511: AUTHORIZING ANY SITTING ELECTED JUDGE TO BE A JUDGE PRO TEMPORE**

*Prime Sponsor: Senator Johnson*

*(HB 2647 Representative Lantz)*

- Any sitting elected judge of the Washington Supreme Court, Court of Appeals, or a district or municipal court may serve as a judge pro tempore in superior court, as provided by Supreme Court rule.

**SB 6596: INCREASING THE NUMBER OF SPOKANE DISTRICT COURT JUDGES**

*Prime Sponsor: Senator McCaslin*

- The number of district court judges in Spokane County is increased from nine to ten.

**SSB 6602: REVISING THE CRIME OF EXTORTION IN THE SECOND DEGREE**

*Prime Sponsor: Senator Costa*

- In response to a recent appellate decision, the crime of extortion in the second degree is modified so that it occurs when a person commits extortion by means of a *wrongful* threat (rather than by any threat).

**SSB 6635: CREATING A NOTICE AND APPEAL PROCESS FOR ANIMAL CONTROL AUTHORITIES**

*Prime Sponsor: Senator Kastama*

- The definition of dangerous dog is modified, and notice and appeal procedures are created for situations where an animal control authority seeks to declare a dog to be dangerous. If a city or county already has procedures in place, they may continue to utilize them.
- The owner of a dog that causes severe injury or death of a human, whether or not the dog has previously been declared dangerous or potentially dangerous, is guilty of a class C felony if the state can prove the owner knew or should have known the dog was potentially dangerous.

- It is an affirmative defense if the person injured or killed trespassed on the defendant's property, which was properly fenced and marked with warning signs, or provoked the dog on the defendant's fenced and marked property.

**ESSB 6700: LIMITING PUBLICATION OF PERSONAL INFORMATION OF LAW ENFORCEMENT AND COURT EMPLOYEES**

*Prime Sponsor: Senator Finkbeiner*

*(HB 2947 Representative Ahern)*

- A person or organization who sells, trades, gives, publishes, distributes or otherwise releases the residential address, residential telephone number, birth date or social security number of any law enforcement-related, corrections officer-related, or court-related employee or volunteer can be civilly liable for actual damages, attorneys' fees and costs.
- A court may issue a permanent injunction against a person or organization engaged in the violation.

**HB 1512: INCLUDING COMPUTER IMAGES IN THE DEFINITION OF "VISUAL OR PRINTED MATTER"**

*Prime Sponsor: Representative Sommers*

*(SB 6346 Senator Kline)*

- When a computer has been submitted privately or commercially for repair, modification, or maintenance and a person develops reasonable cause to believe the computer stores visual or printed matter that depicts a minor engaged in sexually explicit conduct, the person may report this to law enforcement and be immune from civil liability for making the report.
- The definition of "photograph" in the child pornography statutes is expanded to include "digital images" and "tangible or intangible" items.

**2SHB 1938: MAKING SABOTAGE AN AGGRAVATING CIRCUMSTANCE**

*Prime Sponsor: Representative Pearson*

*(SB 6205 Senator Rasmussen)*

- A sentence may be longer than the standard range if any offense is committed with the intent to injure, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any structure used for horticultural or biological research, a health care facility, or a public or private forestry research facility.

**HB 2299: DEFINING PERSON UNDER THE BUSINESS CORPORATION ACT, UNIFORM LIMITED PARTNERSHIP ACT, AND LIMITED LIABILITY COMPANY ACT**

*Prime Sponsor: Representative Esser*

- The definition of "person" that is used in the Revised Uniform Partnership Act is adopted for the Business Corporation Act, Limited Partnerships Act and the Limited Liability Company Act.

**SHB 2301: AUTHORIZING ELECTRONIC NOTICE AND OTHER COMMUNICATIONS UNDER THE WASHINGTON BUSINESS CORPORATION ACT**

*Prime Sponsor: Representative Lantz*

- The Secretary of State is authorized to adopt rules for the electronic filing of corporate documents.
- Filings, notices, consents, and other forms of communication between corporations, shareholders, and directors may be made electronically.

**2SHB 2346: UPDATING THE UNIFORM PARENTAGE ACT**

*Prime Sponsor: Representative Darneille*

*(SB 6555 Senator Costa)*

- Certain provisions of the Uniform Parentage Act (UPA) of 1973 are repealed and replaced with the Uniform Parentage Act of 2000.
- The new UPA expands on procedures for establishing paternity by distinguishing between a presumed, acknowledged, and adjudicated father, establishing processes for adjudicating and acknowledging paternity, and updating procedures for establishing paternity of children born by assisted reproduction.
- A parent may be established by an affidavit and a physician's certificate in cases where a child is born through alternative reproductive medical technology pursuant to the terms of a contractual agreement.

**2SHB 2338: REVISING SENTENCES FOR DRUG OFFENSES**

*Prime Sponsor: Representative Kagi*

*(SB 6361 Senator Kline)*

- Manufacture, delivery, or possession with intent to deliver heroin or cocaine is re-ranked at level VII on the sentencing grid instead of level VIII.
- Prior drug offenses, for other than the manufacture of methamphetamine, are scored as one point instead of three points when determining sentence length.
- Savings from the sentencing changes are used for substance abuse treatment and drug courts.
- A new drug offense sentencing grid takes effect in 2004.

**SHB 2347: MODIFYING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT**

*Prime Sponsor: Representative Darneille*

*(SB 6554 Senator Costa)*

- The Uniform Law Commissioner's amendments are incorporated into Washington's Uniform Interstate Family Support Act.

**SHB 2379: MAKING IT A CRIME TO LEAVE A CHILD WITH A SEX OFFENDER**

*Prime Sponsor: Representative Dickerson*

- It is made a misdemeanor for a parent or person entrusted with the physical custody of a child to leave the child in the care or custody of another person who is not the parent, guardian, or lawful custodian while knowing that the person is a registered sex offender because of a prior sex offense against a child.
- The defendant has an affirmative defense that the sex offender is allowed by court order to have unsupervised contact with the children.

**SHB 2381: ADDRESSING THE TRAFFICKING OF PERSONS**

*Prime Sponsor: Representative Veloria*

*(SB 6407 Senator Costa)*

- The Washington State Task Force Against the Trafficking of Persons is created.
- The task force must evaluate the progress of the state in trafficking prevention, make recommendations on methods to provide a system of assistance to victims of trafficking, and report to the Governor and Legislature by November 30, 2002.
- For purposes of the Washington State Crime Victims' Compensation Program, the definition of "criminal act" is expanded to include acts committed or attempted in this state that are punishable under federal law comparable to a felony or gross misdemeanor under Washington law.

**SHB 2382: REVISING PROVISIONS RELATING TO CRIMINAL MISTREATMENT**

*Prime Sponsor: Representative Dickerson*

- Criminal mistreatment in the fourth degree, a misdemeanor, is committed if a person negligently creates an imminent and substantial risk of bodily injury to a child or dependent person or negligently causes bodily harm or extreme emotional distress to a child or dependent person, by withholding the basic necessities of life.
- A parent charged with criminal mistreatment in the third or fourth degree may be eligible for deferred prosecution one time.
- The deferred prosecution provisions apply only to cases in which there is a child victim.

**HB 2407: ESTABLISHING THE AUTHORITY TO CREATE AND OPERATE REGIONAL JAILS**

*Prime Sponsor: Representative Ballasiotes*

*(SB 6487 Senator Costa)*

- Two or more local governments, or one or more local governments and the state, are authorized to create and operate regional jails.
- A jurisdiction that sends a defendant to a regional jail in another county prior to conviction is responsible for providing access to the defendant's public defense counsel.

**HB 2471: CHANGING THE METHODOLOGY OF DETERMINING THE NUMBER OF DISTRICT COURT JUDGES**

*Prime Sponsor: Representative Esser*

*(SB 6512 Senator Kline)*

- The weighted caseload analysis used by the Supreme Court to make recommendations regarding a change in the number of district court judges in a county is changed to an "objective workload analysis."
- The objective workload analysis must take into account available judicial resources and the caseload activity of the court.

**ESHB 2505: PROVIDING CRIMINAL PENALTIES FOR TRAINING IN FURTHERANCE OF CIVIL DISORDERS**

*Prime Sponsor: Representative O'Brien*

*(SB 6451 Senator Kline)*

- A new class B felony is created for teaching or demonstrating the use of any device or technique capable of causing significant bodily injury or death to persons while knowing, having reason to know, or intending to employ the device or technique for civil disorder purposes.
- A "civil disorder" means any public disturbance involving acts of violence that is intended to cause an immediate danger of, or to result in, significant injury to a person.



**2SHB 2511: MAKING ANY ROBBERY WITHIN A FINANCIAL INSTITUTION A FIRST DEGREE ROBBERY**

*Prime Sponsor: Representative O'Brien*

- Robbery of a financial institution is classified as robbery in the first degree, whether it occurs with or without a firearm or deadly weapon.

**SHB 2541: EXPANDING AUTHORITY FOR INTERLOCAL AGREEMENTS FOR JAIL SERVICES**

*Prime Sponsor: Representative Hurst*

*(SB 6393 Senator Kline)*

- Contracts for jail services may be made between a county and a city, regardless of whether the city is within the county, or among counties and cities.
- A jurisdiction that has contracted for the detention of defendants in another county's jail must provide for private contact with defense counsel.

**HB 2605: AGGREGATING VALUE FOR PURPOSES OF DETERMINING THE DEGREE OF THEFT**

*Prime Sponsor: Representative O'Brien*

*(SB 6606 Senator Kastama)*

- A series of separate third-degree thefts may be aggregated for the purposes of determining the degree of theft if they are part of a criminal episode.
- A "criminal episode" occurs if three or more thefts are committed by the same person from one or more mercantile establishments within a five-day period.

**SHB 2610: PROVIDING CRIMINAL PENALTIES FOR ENDANGERMENT OF CHILDREN AND DEPENDENT PERSONS WITH A CONTROLLED SUBSTANCE**

*Prime Sponsor: Representative Darneille*

*(SB 6385 Senator Rasmussen)*

- The new crime of endangerment with a controlled substance is committed if a person knowingly or intentionally permits a child or dependent adult to be exposed to or have contact with: (1) methamphetamine; or (2) ephedrine, pseudoephedrine, or anhydrous ammonia, that are being used in the manufacture of methamphetamine.
- The offense is a class B felony ranked at level IV on the sentencing grid.
- The Washington State Patrol must disclose convictions for endangerment with a controlled substance during background checks for prospective employees or volunteers who may have unsupervised access to children or vulnerable adults.

**EHB 2655: WAIVING FILING FEES AND COSTS FOR CERTAIN PROTECTION ORDERS**

*Prime Sponsor: Representative Schual-Berke*

*(SB 6421 Senator Costa)*

- The filing fee and service of process costs may be waived for an individual seeking an anti-harassment protection order against a stalker, sex offender or domestic abuser.

**HB 2672:     LIMITING THE LIABILITY OF PROVIDERS OF TREATMENT TO HIGH RISK  
                  OFFENDERS**

*Prime Sponsor: Representative Kirby*

- A licensed mental health service provider or regional support network who treats a dangerous mentally ill offender is not civilly liable for injury caused by the client unless the provider's or network's act constituted: (1) gross negligence; (2) willful or wanton misconduct; or (3) a breach of the duty to warn.

**SHB 2699:     PROVIDING IMMUNITY FOR COMMUNICATIONS WITH GOVERNMENT AGENCIES  
                  AND SELF-REGULATORY ORGANIZATIONS**

*Prime Sponsor: Representative Lantz*

*(SB 6522 Senator Kline)*

- A person who communicates a complaint to any branch or federal, state, or local government agency or certain self-regulatory organizations is provided immunity from civil liability for any claim relating to that communication.
- A prevailing defendant is entitled to expenses, reasonable attorneys' fees and statutory damages of \$10,000 unless the complaint or information was communicated in bad faith.
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**SHB 2754:     MODIFYING MANDATORY ARBITRATION PROVISIONS**

*Prime Sponsor: Representative Lantz*

- Counties with a population of more than 150,000 must adopt mandatory arbitration. In counties with a population of less than 150,000, either the superior court judges or the county legislative authority may adopt mandatory arbitration.
- The maximum fee that a county may assess for mandatory arbitration requests is increased from \$120 to \$220.

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# LABOR, COMMERCE & FINANCIAL INSTITUTIONS

786-7426

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## **SB 5064: DEFINING DEGREES OF GAMBLING CHEATING**

*Prime Sponsor: Senator Prentice*

*(HB 1307 Representative Wood)*

- The crime of cheating at gambling is divided into two separate degrees so that a person is guilty of cheating at gambling in the first degree if he or she engages in cheating while either: (1) conspiring with another to commit the act; or (2) holding a license or permit issued by the Gambling Commission.
- Cheating at gambling in the first degree is a class C felony, seriousness level IV on the sentencing grid. The court is also authorized to impose a financial penalty of up to \$20,000.

## **ESSB 5264: PROHIBITING PUBLIC EMPLOYERS FROM MISCLASSIFYING EMPLOYEES TO AVOID PROVIDING BENEFITS**

*Prime Sponsor: Senator Prentice*

- It is an unfair practice for a public employer to misclassify an employee to avoid providing employment-based benefits, or to include language in an employment contract requiring an employee to forego employment-based benefits.
- Any person who believes he or she has been harmed by being misclassified may bring a civil action.

## **2SSB 5354: MODIFYING MOBILE HOME RELOCATION ASSISTANCE**

*Prime Sponsor: Senator Patterson*

*(HB 1630 Representative Dunn)*

- Tenants in mobile home parks that close, and whose income is at or below 80 percent of median income for the county where the mobile home is located, are made eligible for up to \$3,500 relocation assistance for a single-wide home or \$7,500 for a double-wide home. Assistance is prioritized for parks closed as a result of health hazards and for parks closed due to owner fraud.
- Relocation assistance is funded by a new \$100 fee on the transfer of mobile/manufactured homes located in mobile home parks that are one year old or older and have a sale price of over \$5,000.

## **SB 5594: CONSOLIDATING HOUSING AUTHORITIES**

*Prime Sponsor: Senator Gardner*

- Various new configurations of joint or consolidated housing authorities, which are units of local government that serve as the major conduit for federally assisted housing programs, are authorized.
- One or more counties and any city or cities within one or more counties may, through joint local legislative action, create a consolidated housing authority.

## **2SSB 6080: UPDATING AND HARMONIZING FIREWORKS AND EXPLOSIVES LAWS**

*Prime Sponsor: Senator Prentice*

- Definitions in the state explosives and fireworks statutes are amended to conform to federal law.
- New exemptions are specified, and existing exemptions are clarified.
- Civil penalties are created, and agency rule-making authority to enforce civil remedies is granted.
- Dates on which fireworks may be sold are expanded and a local permit fee increase is authorized.

**SSB 6234: REQUIRING A DATE CERTAIN FOR THE PAYMENT OF INSURANCE PREMIUMS**

*Prime Sponsor: Senator Winsley*

- For private passenger car insurance, contracts of insurance must provide a date certain on which the premium is due and a grace period of at least five days.

**SSB 6264: ALLOWING A CHIROPRACTOR TO BE A LICENSED OFFICIAL AT A BOXING, KICKBOXING, OR MARTIAL ARTS EVENT**

*Prime Sponsor: Senator Prentice*

- A chiropractor may be included as a licensed official at a boxing, kickboxing or martial arts event.

**ESSB 6326: FILING REPORTS WITH THE INSURANCE COMMISSIONER**

*Prime Sponsor: Senator Prentice*

- An insurer is exempt from the statutory annual reporting requirements if it has neither data nor experience to report with respect to the covered categories of property and casualty insurance. The covered categories include medical malpractice, products liability, attorneys' malpractice, architects' and engineers' malpractice, municipal liability, and daycare center liability.

**SB 6328: CHANGING THE DEFINITION OF CHERRY HARVEST TEMPORARY LABOR CAMP**

*Prime Sponsor: Senator Parlette*

- The current 28 day-per-year occupancy limit for cherry harvest temporary housing facilities is removed and replaced with a limit of one week prior to and one week following the cherry harvest within the state.

**SB 6338: MODIFYING THE CONSUMER LOAN ACT**

*Prime Sponsor: Senator Keiser*

- Consumer loans that are not secured by a real property lien are subject to federal disclosure requirements
- New disclosure requirements are created for consumer loans that are secured by a real property, including notice of the loan's prepayment penalty and annual percentage rate. A lender must disclose information within three business days after receiving the borrower's loan application.
- The director of the Department of Financial Institutions may determine whether compliance with the federal disclosure requirements constitutes compliance with the Consumer Loan Act.

**SSB 6364: IMPLEMENTING RECOMMENDATIONS OF THE JOINT LEGISLATIVE TASK FORCE ON MOBILE/MANUFACTURED HOME ALTERATION AND REPAIR**

*Prime Sponsor: Senator Winsley*

- The Department of Labor and Industries may adopt a temporary fee schedule to implement the interagency mobile/manufactured home alteration pilot project.
- The department may assess civil penalties against businesses that do not obtain permits before performing alterations.
- The definition of residential real property is revised to include mobile/manufactured homes which are personal property, so that persons selling their mobile/manufactured home will fill out a residential real property disclosure form.

- The department may adopt a rule allowing parties to enter into a conditional sale of an altered mobile/manufactured home. Under such an agreement, the parties involved must comply with the department's alteration requirements prior to the sale of the home. New procedures are specified for the department's response to unsafe alterations.

**SSB 6409: REQUIRING AN OPPORTUNITY FOR A CURE BEFORE AN ACTION ON A CONSTRUCTION DEFECT MAY BE FILED**

*Prime Sponsor: Senator Prentice*

*(HB 2565 Representative Fromhold)*

- Construction defect suits must be preceded by written notice to the responsible construction professional 45 days prior to filing and the construction professional must respond within 21 days and may offer to remedy the defect, compromise by payment, or dispute the claim.
- Serving notice tolls the applicable statutes of limitations and repose until the end of the notice and opportunity-for-cure period plus 60 days.
- Within 30 days of filing suit, the claimant must list the defects and the responsible builder.
- A condominium or homeowners' association filing a construction defect suit must notify all unit owners of the action and the expected expenses and fees accompanying it.

**ESSB 6412: REGULATING DISCLOSURE OF INFORMATION BY INTERNATIONAL MATCHMAKING ORGANIZATIONS**

*Prime Sponsor: Senator Kohl-Welles*

- International matchmaking organizations must notify prospective spouses in foreign countries that background check and marital history information on prospective Washington spouses is available upon request.
- If a matchmaking organization receives a request for information on a Washington resident, the organization must notify the resident of the request. The resident must provide the required information to the organization, and the organization must then provide the information to the requester.
- Violations of these laws are considered violations of the Consumer Protection Act.

**SSB 6426: ALLOWING SICK LEAVE TO CARE FOR FAMILY MEMBERS**

*Prime Sponsor: Senator Keiser*

*(HB 2364 Representative Dickerson)*

- Employees are allowed to use their own sick leave, or other paid leave, to care for a spouse, child, parent, parent-in-law, or grandparent with a health condition or emergency.
- Employers cannot retaliate against employees who use their leave for family care.

**ESSB 6449: ALLOWING ENTRANCE AND EXIT FEES UNDER LIMITED CIRCUMSTANCES**

*Prime Sponsor: Senator Kastama*

- Mobile home landlords are allowed to charge entrance and exit fees if these fees are specified in a continuing care contract.

**SB 6457: ADOPTING THE UNIFORM ATHLETE AGENTS ACT**

*Prime Sponsor: Senator Carlson*

- If an agent initiates contact with a college athlete, she/he must provide the athlete with a disclosure form within seven days. If the form is not provided, any contract signed by the athlete is null and void.

- Agents must provide student athletes with a contract. A student athlete may cancel a contract within 14 days after the contract has been signed.
- Specified prohibited acts are class C felonies and are also punishable by a civil penalty of up to \$10,000. An educational institution has a right of action against an athlete agent or a former student athlete if the institution is damaged by the agent or athlete's conduct.

**SSB 6481: REGULATING INSURANCE FOR RENTAL VEHICLES**

*Prime Sponsor: Senator Prentice*

- Rental car companies are permitted to sell rental car insurance under a limited license issued by the Office of the Insurance Commissioner.
- Rental car companies are required to provide training for their employees who sell insurance under this license.

**SB 6483: REGULATING SECURITIES**

*Prime Sponsor: Senator Prentice*

*(HB 2487 Representative McIntire)*

- The Uniform Securities Act is adopted to allow the Department of Financial Institutions to regulate the sale of variable annuities and expand its ability to regulate and investigate investment advisors, broker-dealers and others.

**SB 6491: CHANGING PROVISIONS RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS BY STATE AGENCIES**

*Prime Sponsor: Senator Prentice*

*(HB 2631 Representative Conway)*

- The FBI will continue to make its data base available only if state law clearly authorizes national criminal history background checks. This act provides that express authorization for the Gambling Commission when licensing commercial gambling operations and for the Liquor Control Board when licensing the sale of alcoholic beverages.
- The agencies must adopt rules to determine which persons named on the license are subject to the national criminal history checks.

**SB 6526: RENEWING CONTRACTS OF INSURANCE THAT ARE SUBJECT TO RCW 48.18.290**

*Prime Sponsor: Senator Keiser*

*(HB 2549 Representative McIntire)*

- Single-term insurance contracts are no longer subject to the statutory requirements that all insurance policies be renewable and that insurers send renewal notices to policyholders. The insurance contract must explicitly state that it is for a single term and thus not renewable.

**SB 6591: CHANGING THE TAXATION OF TOBACCO PRODUCTS TO PROVIDE FOR THE TAXATION OF PRODUCTS PURCHASED FOR RESALE FROM PERSONS IMMUNE FROM STATE TAX**

*Prime Sponsor: Senator Prentice*

*(HB 2434 Representative Gombosky)*

- For the purposes of applying the tobacco tax, the definition of distributor is expanded to include persons who sell tobacco products that have not yet been subjected to the tobacco tax. The definition of persons is amended to exclude federal entities and tribes.
- The Department of Revenue is required to develop invoicing rules for this new class of distributors and for those invoices required to be provided to retailers under current Washington law.

**SSB 6600: AUTHORIZING UNCLASSIFIED POSITION APPOINTMENTS IN CITY OR TOWN POLICE DEPARTMENTS**

*Prime Sponsor: Senator Prentice*

- The number of positions in municipal police departments that may be exempt from civil service is specified.
- The procedures for designating and changing unclassified positions are established.
- An obsolete section is repealed.

**SB 6601: ALLOWING A LICENSED DISTILLER, DOMESTIC BREWERY, MICROBREWERY, OR DOMESTIC WINERY TO SELL LIQUOR AT A SPIRITS, BEER, AND WINE RESTAURANT LOCATED ON CONTIGUOUS PROPERTY THAT IS LEASED BY THAT LICENSED DISTILLER, DOMESTIC BREWERY, MICROBREWERY, OR DOMESTIC WINERY**

*Prime Sponsor: Senator Prentice*

- Distillers, brewers and microbrewers, and wineries are allowed to serve liquor in contiguous restaurants that are leased, as well as those that are owned.

**ESB 6630: PROVIDING FOR CERTIFICATION AS A MASTER ELECTRICIAN**

*Prime Sponsor: Senator Prentice*

- New certifications for master journeyman and master specialty electricians are created.
- To obtain a contractor license, an applicant can designate either a certified master electrician or a certified administrator.
- Work experience requirements for electrical specialties are specified. Some specialties require a minimum of 4000 hours of experience while others require a minimum of 2000 hours. For specialties with a 2000 hour minimum, an initial full supervision period is specified. After this initial period, trainees may work unsupervised for the balance of the work hours required to attain certification, with certain limitations.
- Community college or technical school experience may be substituted for up to half of the required work experience for electrical specialties.

**SB 6652: REGULATING COSMETOLOGY, BARBERING, MANICURING, AND ESTHETICS**

*Prime Sponsor: Senator Prentice*

- The definitions of cosmetology, manicuring, esthetics, schools, instructors, and vocational students are amended and clarified.
- The license for booth renters is eliminated, and they must meet the salon/shop licensing requirements. The license renewal period is reduced from four years to one year.

- New requirements for training hours, examinations, and license postings are specified.
- The basis for a disciplinary action is expanded. An administrative hearing is required prior to the imposition of a fine.

**ESB 6675: PROHIBITING HEALTH CARE FACILITIES FROM REQUIRING EMPLOYEES TO PERFORM OVERTIME WORK**

*Prime Sponsor: Senator Prentice*

*(HB 2601 Representative Cody)*

- Registered nurses and licensed practical nurses that are paid on an hourly basis may not be required to work overtime but may accept overtime work voluntarily. This prohibition does not apply to emergencies, pre-scheduled on-call time, or when the employer has used reasonable efforts to obtain staffing.
- The Department of Labor and Industries must investigate violations and issue citations. Violations are subject to \$1,000 fines. A fourth violation within one calendar year results in a \$2,500 fine and subsequent violations result in a fine of \$5,000 each.

**ESJM 8014: REQUESTING IMPROVEMENT TO EMPLOYMENT AND TRAINING SERVICES FOR DISABLED PERSONS**

*Prime Sponsor: Senator Prentice*

- The executive officers of a number of specified state agencies and boards are requested to improve employment and training opportunities for people with disabilities by doing the following: (1) identifying effective services, barriers, and performance measures; (2) providing training and technical assistance to local workforce boards; (3) making recommendations on improving employment and training services, and (4) reporting outcomes to the Legislature and Governor.

**HB 1248: PROVIDING UNEMPLOYMENT INSURANCE BENEFITS FOR VICTIMS OF DOMESTIC VIOLENCE OR STALKING**

*Prime Sponsor: Representative Kessler*

*(SB 5189 Senator B. Sheldon)*

- Workers who voluntarily leave work to escape domestic violence situations may qualify for unemployment compensation.
- As the worker searches for a new job, the Employment Security Department must consider the worker's need to address physical, psychological, legal and other effects of domestic violence or stalking.
- The worker will be required to seek work, like others on unemployment, but will not be required to provide evidence of job search beyond the fifth week of benefit.

**SHB 1268: ENACTING THE CIVIL SERVICE REFORM ACT OF 2002**

*Prime Sponsor: Representative Romero*

*(SB 5577 Senator Fairley)*

- The state civil service system is restructured, transferring rule-making authority from the Washington Personnel Resources Board to the Department of Personnel, transferring appeal authority from the Personnel Appeals Board to the Washington Personnel Resources Board, and abolishing the Personnel Appeals Board.
- Agencies and institutions of higher education are allowed to contract out for services, including services traditionally and historically provided by state employees.
- The scope of collective bargaining for state employees is expanded to include wages, hours, and other terms and conditions of employment.



**SHB 2015: PROTECTING PERSONAL INFORMATION**

*Prime Sponsor: Representative McIntire*

- Custodians of personal information must take reasonable steps to destroy personal information when disposing of records they no longer need. The requirement applies to private businesses, non-profit organizations, and governmental agencies except the federal government.
- Enforcement is through a private lawsuit or an action brought by the Attorney General.

**SHB 2060: PROVIDING FUNDS FOR HOUSING PROJECTS**

*Prime Sponsor: Representative Dun*

*(SB 5936 Senator Prentice)*

- A \$10 surcharge is imposed on all instruments filed with county auditors for recording. The surcharge proceeds are directed to low-income housing programs according to the following formula: (1) five percent may be retained by auditors to cover administrative expenses; (2) 40 percent of the remainder is to be deposited into the state housing trust account; and (3) 60 percent is to be retained by the county and used by the county and its cities pursuant to an interlocal agreement for specified purposes.
- Permitted uses at the local level include: (1) operation and maintenance for existing low income housing projects; (2) acquisition, new construction and rehabilitation; (3) rental assistance voucher programs that meet federal guidelines; and (4) operating costs of emergency and overnight youth shelters.

**SHB 2160: REGULATING CHARITABLE GIFT ANNUITY BUSINESSES**

*Prime Sponsor: Representative McIntire*

*(SB 5506 Senator Jacobsen)*

- Charities are allowed to cover charitable gift annuity payments by reinsurance, rather than separate reserve accounts.
- Oversight of charitable gift annuity sales is maintained by the Office of the Insurance Commissioner.

**ESHB 2224: LICENSING SPECIALTY PRODUCERS OF CERTAIN LINES OF INSURANCE**

*Prime Sponsor: Representative Benson*

- New licensing requirements for the sale of insurance by communications equipment retailers are specified. Communications equipment includes cellular phones, pagers, and portable computers.
- A retailer must provide customers with written materials disclosing the terms of the insurance policy. The Insurance Commissioner may regulate the retailer's insurance marketing practices.

**HB 2302: MODIFYING CERTAIN APPLICATION METHODS FOR UNEMPLOYMENT INSURANCE**

*Prime Sponsor: Representative Conway*

*(SB 6308 Senator Prentice)*

- The law enabling the Employment Security Department to accept applications by telephone and computer is corrected to include an erroneously omitted category of applicants (workers with temporary total disabilities).

**HB 2303: CORRECTING RATE CLASS 16 IN SCHEDULE B**

*Prime Sponsor: Representative Conway*

*(SB 6309 Senator Prentice)*

- An error in the Unemployment Insurance employer contribution rate schedule is corrected.

**HB 2313: ALLOWING ELECTRONIC FILING AND REGISTRATION FOR CHARITIES, CORPORATIONS, AND PARTNERSHIPS**

*Prime Sponsor: Representative Lantz*

- The Secretary of State may adopt rules to facilitate electronic filing for paperwork submitted by charitable organizations, limited liability companies and nonprofit organizations.
- The Secretary, instead of the Attorney General as provided by current law, can assess civil penalties for violations of charitable organization laws.

**HB 2365: INCREASING THE SIZE OF THE STATE INVESTMENT BOARD**

*Prime Sponsor: Representative Cooper*

*(SB 6277 Prentice)*

- An active member of the School Employees Retirement System is appointed to the Washington State Investment Board.

**2SHB 2403: PROVIDING FOR COLLECTIVE BARGAINING AT FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION**

*Prime Sponsor: Representative Kenney*

*(SB 6440 Senator Prentice)*

- Procedures are established for exclusive bargaining representatives of faculty at the public four-year institutions of higher education to collectively bargain with the board of regents or trustees over wages, hours, and terms and conditions of employment.

**SHB 2456: MODIFYING PROVISIONS RELATING TO THE LINKED DEPOSIT PROGRAM**

*Prime Sponsor: Representative Kessler*

*(SB 6388 Senator Prentice)*

- The scheduled sunset date for the linked deposit program is extended from 2003 to 2008. The Department of Community, Trade & Economic Development must develop indicators to monitor the performance of the program in the areas of job creation or retention and providing access to capital to minority or women's business enterprises.

**ESHB 2470: REVISING PROVISIONS FOR PLUMBING CONTRACTORS**

*Prime Sponsor: Representative Conway*

- The statutory definition of "contractor" and the registration requirements for plumbing contractors are both clarified.
- Current law related to the issuance of infraction notices by the Department of Labor and Industries (department) is amended to cover plumbers who are not properly registered.
- New requirements for verifying hours worked by plumbing trainees are specified, and the department is authorized to audit records and issue infractions to plumbing contractors that verify trainee hours.

**SHB 2512: CREATING THE UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT**

*Prime Sponsor: Representative Upthegrove*

*(SB 6472 Senator Gardner)*

- Uniform disciplinary regulations are established for all businesses and professions regulated by the Department of Licensing. These regulations include a uniform definition of "unprofessional conduct" and uniform sanctions that may be carried out by disciplinary authorities.
- Disciplinary authorities may investigate complaints of unlicensed practice and may impose a civil fine of not more than \$1,000 for each day that a person engages in unlicensed practice.

**SHB 2513: REGULATING TIMESHARE INTEREST RESERVATIONS**

*Prime Sponsor: Representative Wood*

*(SB 6424 Senator Prentice)*

- A "timeshare interest reservation" is defined as a revocable right to purchase an interest in a timeshare project for which construction has not yet been completed.
- Deposits accepted by promoters on a timeshare interest reservation cannot exceed 20 percent of the total purchase price.
- Purchasers can cancel their reservation for any reason prior to signing a purchase agreement.

**ESHB 2540: AUTHORIZING COLLECTIVE BARGAINING FOR UNIVERSITY OF WASHINGTON EMPLOYEES WHO ARE ENROLLED IN ACADEMIC PROGRAMS**

*Prime Sponsor: Representative Conway*

*(SB 6403 Senator Kohl-Welles)*

- Students enrolled at the University of Washington who provide instructional and research services are authorized to collectively bargain under the Public Employees' Collective Bargaining Act
- Issues that may and may not be subjects of collective bargaining are specified.
- Compensation provisions of bargained agreements may not exceed the amount or percentage authorized by the Legislature through appropriations, but additional compensation from other sources is allowed.

**ESHB 2544: RESTRICTING USE OF CREDIT HISTORY**

*Prime Sponsor: Representative Cooper*

*(SB 6524 Senator Prentice)*

- Insurers are prevented from cancelling or not renewing various types of personal insurance based upon credit history or credit scores.
- Insurers must notify consumers if credit history is used as the basis for other adverse action, and if the credit history information is incorrect, insurers must adjust the premium accordingly.
- The Office of the Insurance Commissioner will study the use of credit scoring in personal insurance, including an analysis of demographic and discriminatory effects, if any.

**HB 2550: APPLYING FOR A LICENSE OR SOLICITATION PERMIT FROM THE INSURANCE COMMISSIONER**

*Prime Sponsor: Representative McIntire*

*(SB 6527 Senator Keiser)*

- The Washington State Patrol and the Federal Bureau of Investigation are given statutory authority for background checks and fingerprinting that are part of the application process for various insurance agent and broker licenses.

**HB 2553: INCREASING THE NUMBER OF ELIGIBLE TRIBES FOR CIGARETTE TAX CONTRACTS**

*Prime Sponsor: Representative Morris*

*(SB 6592 Senator Prentice)*

- The Governor is authorized to enter into cigarette tax contracts with the Snoqualmie and the Swinomish Tribes.

**SHB 2629: REGULATING ELEVATOR CONTRACTORS AND MECHANICS**

*Prime Sponsor: Representative Wood*

- The licensing requirements for elevator contractors and mechanics related to work experience, training, examination, and continuing education are established.
- Criminal penalties and the procedures for the suspension or revocation of licenses are specified.
- A five-member elevator safety advisory committee is created. The administration or enforcement of safety and health issues regulated under the Washington Industrial Safety and Health Act is not affected

**ESHB 2662: MAKING PAYROLL DEDUCTIONS FOR INDIVIDUAL PROVIDERS AS DEFINED IN RCW 74.39A.240(4)**

*Prime Sponsor: Representative McDermott*

- If an exclusive bargaining representative of individual home care providers is certified by the Public Employment Relations Commission or recognized by the Home Care Quality Authority, the state must deduct monthly union dues from payments made to an individual provider who has authorized the deduction.
- The state must enforce any union security agreement reached by deducting union dues or an equivalent fee from payments made to bargaining unit members and must also deduct other authorized payments.
- Provisions are made for allocation of additional costs incurred by the state in making these deductions.

**2SHB 2663: CHANGING CONDITIONS THAT ARE PRESUMED TO BE OCCUPATIONAL DISEASES OF FIRE FIGHTERS**

*Prime Sponsor: Representative Conway*

*(SB 6643 Senator Keiser)*

- Certain heart problems, specified cancers, and infectious diseases are added to the list of conditions that are presumed to be occupational diseases for fire fighters covered under the industrial insurance law.
- The occupational disease presumptions do not apply to a fire fighter who develops a heart or lung condition and is a regular user of tobacco products.

**SHB 2893: REGULATING THE BUSINESS RELATIONSHIP BETWEEN SUPPLIERS AND DEALERS OF CERTAIN MACHINERY AND EQUIPMENT**

*Prime Sponsor: Representative Clements*

- Clarifications are made to current laws regulating the relationship between retail sellers and manufacturers and distributors of farm equipment, including modifications to the laws regulating repurchase agreements, processes for terminating dealerships, and defining certain prohibited acts by suppliers.
- Limitations are placed on the ability of a supplier to object to the sale and transfer of a dealership. A supplier must give notice to existing dealers whose area of assigned responsibility is contiguous to the proposed location of a new or relocated dealership.
- Suppliers must reimburse dealers for safety and product improvement work they require the dealer to perform.

**EHB 2901: REGARDING UNEMPLOYMENT INSURANCE**

*Prime Sponsor: Representative Conway*

- Current aerospace training benefits are extended for six months, adding \$34 million to the unemployment insurance (UI) trust fund.
- The maximum weekly UI benefit amount is frozen at \$496 through June 2004. For the next six years, the growth rate in the maximum weekly benefit amount is capped at four percent.
- Tax equity issues are addressed, including ineffective charges where an employer's tax payments do not cover benefits paid. An overall increase in UI taxes is prevented, and some of the degradation to more burdensome tax schedules is leveled. Employer contribution rates are stabilized during the recession.
- A joint task force on UI is created to study specified issues. The task force must report its findings and make recommendations to the Legislature by December 31, 2003.

**EHB 2918: AUTHORIZING CERTAIN ORGANIZATIONS TO CONDUCT BINGO**

*Prime Sponsor: Representative Wood*

*(SB 5429 Senator Prentice)*

- The three-day-per-week limit for conducting bingo operations by charitable bingo licensees is removed.
- Bingo operators that conduct bingo more than three days per week must include a warning of the perils of pathological gambling on all their promotional material.

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# NATURAL RESOURCES, PARKS & SHORELINES

786-7419

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## **SSB 6301: ALLOWING THE ISSUANCE OF A GROUP FISHING PERMIT TO A FACILITY**

*Prime Sponsor: Senator Oke*

*(HB 2436 Representative Eickmeyer)*

- Group fishing permits may be issued to state-operated or licensed care facilities and non-profit facilities that serve handicapped, seriously ill, terminally ill, and persons dependent on the state because of emotional or physical disabilities.
- Group fishing permits are valid for seasonal use and allow all persons covered by the permit to fish without a separate license.
- The Fish and Wildlife Commission must adopt rules for the group fishing permit program.

## **SSB 6313: PROVIDING FOR THE RETRIEVAL OF DERELICT FISHING GEAR**

*Prime Sponsor: Senator Oke*

- The Washington Department of Fish and Wildlife (WDFW) must publish guidelines for the safe removal of derelict fishing gear and report to the Legislature on alternatives to reduce future gear losses.
- Derelict fishing gear removal is exempted from WDFW hydraulic project permit requirements.

## **2SSB 6353: CONCERNING THE USE OF MIGRATORY BIRD STAMP AND MIGRATORY BIRD VALIDATION FEES**

*Prime Sponsor: Senator Haugen*

- The fee for a Washington State migratory bird stamp fee is increased from \$6 to \$10 for both hunters and collectors.
- Migratory bird stamp funds are prohibited from being used on lands controlled by private hunting clubs or on private lands that charge a fee for access.

## **ESSB 6400: DEVELOPING A STATEWIDE BIODIVERSITY CONSERVATION STRATEGY**

*Prime Sponsor: Senator Jacobsen*

- The Interagency Committee for Outdoor Recreation is directed to provide a grant for the development of a biodiversity conservation strategy to be submitted to the Legislature by October 1, 2003.
- The biodiversity strategy must include creation of a standing public/private council to oversee the strategy, a common data and mapping system, and development of non-regulatory methods to conserve biodiversity.

## **SB 6538: ESTABLISHING THE BALLAST WATER WORK GROUP**

*Prime Sponsor: Senator Regala*

- A ballast water work group is created to work with the Department of Fish and Wildlife.
- The work group will report to the Legislature by December 15, 2003, on policy and technology issues.
- The department will monitor the Oregon efforts to regulate ballast water and will consider the Oregon rules when adopting Washington rules.

**SSB 6553: ENHANCING REGULATORY CAPABILITIES TO PREVENT INVASIVE AQUATIC SPECIES**

*Prime Sponsor: Senator Poulsen*

- The director of the Department of Fish and Wildlife must create a rapid response plan to address invasive species.
- The Fish and Wildlife Commission will classify species and may prohibit the possession, importation, sale or purchase of invasive species.
- A plan to inspect watercraft coming into the state will be provided to the Legislature by December 2003.

**SSB 6575: CONCERNING THE DESIGNATION OF CERTAIN LANDS AS NATURAL AREA PRESERVES OR NATURAL RESOURCE CONSERVATION AREAS**

*Prime Sponsor: Senator Hargrove*

- A planning process is established for designating natural area preserves and providing public access to these areas.
- The Natural Heritage Advisory Council will recommend whether new areas should be developed as natural area preserves or as natural resources conservation areas which allow a greater range of activity.
- The Department of Natural Resources will begin the process of developing a management plan for each area.

**SHB 1166: ALLOWING STATE AGENCIES TO SPONSOR SALMON RECOVERY PROJECTS**

*Prime Sponsor: Representative Rockefeller*

*(SB 5245 Senator Jacobsen)*

- State agencies and Regional Fisheries Enhancement Groups are eligible to act as project sponsors when applying for Salmon Recovery Funding Board Grants.
- State agency projects must be approved by the local lead entity and have a local partner.

**ESHB 2305: CLARIFYING THE APPLICATION OF SHORELINE MASTER PROGRAM GUIDELINES AND MASTER PROGRAMS TO AGRICULTURAL ACTIVITIES ON AGRICULTURAL LANDS**

*Prime Sponsor: Representative Hatfield*

- The Department of Ecology is prohibited from addressing existing or new agricultural development in its shoreline master program guidelines, beginning in 2004 or when it updates its guidelines, whichever occurs earlier.
- Agricultural activities, products, equipment, and land are defined in the act.

**2SHB 2311: CHANGING PROVISIONS RELATING TO SMALL FOREST LANDOWNERS**

*Prime Sponsor: Representative Doumit*

- The Small Forest Landowner Office is authorized to contract with private consultants to assist landowners in developing forest management plans.
- The Department of Natural Resources is required to develop alternative standards and requirements for small forest lands.
- The Small Forest Landowner Advisory Committee member appointment procedure is clarified.

**ESHB 2323: CREATING THE DIRECT RETAIL LICENSE FOR COMMERCIAL FISHERS**

*Prime Sponsor: Representative Hatfield*

- Commercial fishers are able to sell salmon and crab directly to consumers without the need for a wholesale license by obtaining a direct retail endorsement.
- The endorsement is available to commercial fishers for the administrative cost of issuing the endorsement.
- Local health regulations, including payment of fees, inspections, and other requirements must be completed before the direct retail endorsement is issued.

**ESHB 2376: CONCERNING ABANDONED AND DERELICT WATERBORNE VESSELS**

*Prime Sponsor: Representative Rockefeller*

- Derelict and abandoned vessels are defined, and the public agency with primary responsibility for removal is established based on vessel location.
- A public agency must follow a notification process prior to removal and disposal of a derelict vessel.
- A \$2 surcharge is added to recreational vessel registrations, to reimburse public agencies for up to 75 percent of the costs of vessel removal and disposal.

**EHB 2399: MODIFYING PROVISIONS CONCERNING CLASS IV FOREST PRACTICES**

*Prime Sponsor: Representative Rockefeller*

- The deadline for counties and cities to develop forest management ordinances if they choose to regulate forest practices in urban growth areas is extended from December 31, 2001, to December 31, 2005.
- The Department of Natural Resources will continue to give assistance to local governments.

**SHB 2400: ALLOWING FOR THE INSTALLATION OF RECREATIONAL DOCKS AND MOORING BUOYS BY RESIDENTIAL OWNERS ABUTTING STATE-OWNED AQUATIC LANDS**

*Prime Sponsor: Representative Eickmeyer*

*(SB 6259 Senator Jacobsen)*

- Requirements for the siting of recreational vessel mooring buoys are clarified.
- Disputes between property owners regarding the placement of buoys are resolved through the superior court.

**SHB 2426: CLARIFYING THE NATURE OF "ACTING FOR A COMMERCIAL PURPOSE" WITH RESPECT TO A NATURAL RESOURCES VIOLATION**

*Prime Sponsor: Representative Jackley*

- In response to a recent appellate court decision identifying a constitutional problem with the processing of commercial fishing violations, it is clarified that such violation allow for a rebuttable presumption that a person was acting for commercial purposes.

**SHB 2435: SETTING FEES FOR THE PRODUCTION OF DUPLICATE FISH AND WILDLIFE LICENSE DOCUMENTS**

*Prime Sponsor: Representative Jackley*

*(SB 6299 Senator Jacobsen)*

- Fees for duplicate fishing and hunting documents are reduced to the actual cost of replacement.



**SHB 2502: CONCERNING THE ESTABLISHMENT OF THE FOREST PRODUCTS COMMISSION**

*Prime Sponsor: Representative Sump*

- Advertising, marketing, or public education by the Forest Products Commission constitute free speech under the First Amendment of the United States Constitution.
- The election requirements relating to the formation of the commission are clarified.
- The commission must reimburse the Department of Agriculture for costs of setting up the commission.

**SHB 2557: REVISING PROVISIONS RELATING TO METROPOLITAN PARK DISTRICTS**

*Prime Sponsor: Representative Lovick*

*(SB 6330 Senator Regala)*

- The authority to create metropolitan park districts is expanded to all cities and counties, or any combination of cities and counties.
- A metropolitan park district may be governed by separately elected officials or existing city or county council members, as specified on the ballot creating the district.

**HB 2570: EXTENDING THE PERIOD OF TIME FOR FEDERAL ASSURANCES WITH RESPECT TO THE FORESTS AND FISH REPORT**

*Prime Sponsor: Representative Doumit*

- The time period allowed under the Forests and Fish Report agreement for obtaining an incidental take permit as evidence of federal assurance under the federal Endangered Species Act is extended from June 30, 2003, to June 30, 2005.
- The state will pursue a federal rule delineating assurances and may concurrently develop a habitat conservation plan under the federal act. Specified state laws, rules, and documents must be submitted for federal review in pursuing the assurances.
- The Department of Natural Resources must report regularly to the Legislature on this program.

**EHB 2623: ADJUSTING THE MONETARY THRESHOLD FOR "SUBSTANTIAL DEVELOPMENT" UNDER THE SHORELINE MANAGEMENT ACT**

*Prime Sponsor: Representative Grant*

*(SB 6767 Senator Snyder)*

- The current dollar threshold for what constitutes a "substantial development" under the Shoreline Management Act is increased from \$2,500 to \$5,000.
- The Office of Financial Management will re-adjust the amount for inflation every five years starting in 2007.

**HB 2625: ALLOWING THE USE OF PURSE SEINE AND OTHER LAWFUL FISHING GEAR IN CERTAIN WATERS**

*Prime Sponsor: Representative Linville*

- The Fish and Wildlife Commission may authorize commercial salmon fishing with purse seine or other lawful gear in Bellingham Bay and a number of other terminal fishing areas in North Puget Sound prior to the second Monday in September.

**SHB 2765: CONCERNING THE TIMBER AND FOREST LANDS COMPENSATING TAX**

*Prime Sponsor: Representative Orcutt*

- The purchaser of forest lands will have 60 days instead of 30 days to submit the required forest management plan to secure forest land tax status.
- The county assessor can extend the period if weather or other conditions warrant.

**ESHB 2819: ADDRESSING THE UNCERTAINTY SURROUNDING REVERSIONARY CLAUSES CONTAINED IN BUSH ACT AND CALLOW ACT DEEDS**

*Prime Sponsor: Representative Doumit*

- Tidelands originally sold by the state to be used solely for oyster culture may be used for cultivation of any species of shellfish, without tideland ownership reverting to the state.

**ESHB 2866: LIMITING OVERLAPPING JURISDICTION REGARDING THE PERMITTING OF STORM WATER PROJECTS**

*Prime Sponsor: Representative Doumit*

- Storm water permitting in areas above the high water mark is limited to the Department of Ecology if located in an area covered by a national pollution discharge elimination system municipal storm water general (NPDES) permit (rather than also being under the jurisdiction of the Department of Fish & Wildlife).
- The Department of Fish and Wildlife retains the authority to issue hydraulic permits relating to storm water projects below the high water mark, and they may specify discharge rates for storm water projects in areas without NPDES permits.
- Conditions on all hydraulic permits shall be related to the size of the project.
- Minor modifications to hydraulic projects are allowed without need for permit re-issuance.
- Marine terminals are allowed five-year hydraulic permits for maintenance (similar to marinas).
- Three members are added to the Hydraulic Permit Appeal Board: County, City, and Port representatives.

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# STATE & LOCAL GOVERNMENT

786-7432

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**SSB 5097: REQUIRING PUBLIC ENTITIES TO DISPLAY THE NATIONAL LEAGUE OF FAMILIES' POW/MIA FLAG**

*Prime Sponsor: Senator Kastama*

- The official POW/MIA (Prisoner of War/Missing in Action) flag is required to be flown on six designated days per year at every state agency, state institution of higher education and at every county, city and town.

**ESB 5626: MODIFYING THE DEFINITION OF VETERAN**

*Prime Sponsor: Senator Rasmussen*

*(HB 1326 Representative Schmidt)*

- Modifications to the definition of "veteran" are made for various purposes, and include adding peacetime veterans, who have fulfilled their initial military service obligation in any branch of the armed services, the National Guard, or reserves; and those in the reserves, National Guard, or Coast Guard who have been called into federal service by a presidential select reserve call-up for at least 180 cumulative days.
- This modified definition of "veteran" applies to the veterans' preference on civil service exams; free license plates; county aid to indigent veterans; restrictions on sending veterans to alms houses; county burials; and for those service categories of the modified definition, to current service members eligible to have continuing valid drivers' licenses.

**SB 5629: CHANGING THE OFFICE OF FINANCIAL MANAGEMENT'S BUDGETING, ACCOUNTING, AND REPORTING REQUIREMENTS FOR STATE AGENCIES**

*Prime Sponsor: Senator Patterson*

*(HB 1569 Representative Haigh)*

- Various filings with the Office of Financial Management (OFM) by assessment districts, eminent domain commissions and state agencies are eliminated.
- State agencies are permitted to make payments for equipment service contracts up to 12 months before actual service is rendered.
- OFM is required to develop mandatory guidelines and training for the management of personal service and client service contracts by state agencies and to conduct risk-based audits of state agency contracting practices.
- The State Auditor and Attorney General are required to provide annual reports to the Legislature of contract audit findings, enforcement actions and the status of agency resolution.

**SB 5832: ENABLING COUNTIES PLANNING UNDER CHAPTER 36.70A RCW TO CREATE NINE LOTS IN A SHORT SUBDIVISION WITHIN A DESIGNATED URBAN GROWTH AREA**

*Prime Sponsor: Senator Haugen*

*(HB 1662 Representative Dunshee)*

- A county planning under the Growth Management Act may allow short subdivisions of up to nine lots if: (1) it has an approved comprehensive plan; and (2) the short subdivision is in an urban growth area.

**SSB 5841: ESTABLISHING A SCHEDULE FOR REVIEW OF COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS ADOPTED UNDER THE GROWTH MANAGEMENT ACT**

*Prime Sponsor: Senator Patterson*

*(HB 1588 Representative Dunshee)*

- The Department of Community, Trade, and Economic Development must establish a schedule for counties and cities to review and, if needed, revise their comprehensive plans and development regulations. The review and evaluation must include consideration of critical area ordinances and, if planning under the Growth Management Act, an analysis of the Office of Financial Management's (OFM) ten-year population determination.
- The schedule must provide for staggered seven-year reviews and evaluations beginning: (1) by December 1, 2004, Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties; (2) by December 1, 2005, Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties; (3) by December 1, 2006, Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties; and (4) by December 1, 2007, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties.
- Noncompliance with the schedule eliminates eligibility for various loans, grants, and preferences.

**ESB 5954: UPDATING OBSOLETE LANGUAGE**

*Prime Sponsor: Senator Shin*

- When referencing persons of Asian descent in official documents, the use of the word "Oriental" is prohibited and the word "Asian" is required to be used in all official documents enacted after July 1, 2002.

**SB 6283: CHANGING THE MONETARY THRESHOLD FOR COMPETITIVE BIDDING REQUIREMENTS FOR PUBLIC HOSPITAL DISTRICTS**

*Prime Sponsor: Senator Gardner*

- The requirement for public hospital districts to award public works projects using competitive bidding procedures is changed to apply to projects in excess of \$50,000 (up from \$5,000).

**SB 6296: REVISING TIMELINES FOR REDISTRICTING PLANS**

*Prime Sponsor: Senator Snyder*

- The statutory deadline of December 15 of each year ending in "1" is changed to January 1 of each year ending in "2," making the statutory and constitutional deadlines for the adoption and submission of the redistricting plan identical.
- The change is retroactive, applying to the redistricting plan adopted and submitted by the 2001 Redistricting Commission.

**SB 6321: ALLOWING CANDIDATES TO FILE ELECTRONICALLY**

*Prime Sponsor: Senator Gardner*

*(HB 2334 Representative McDermott)*

- Candidates for office are authorized to file a declaration of candidacy electronically.

**SB 6324: DIRECTING A STATEWIDE VOTER REGISTRATION DATA BASE**

*Prime Sponsor: Senator Gardner*

*(HB 2332 Representative Romero)*

- The Secretary of State must work with county auditors and voter registration experts to design and initiate the creation of a statewide voter registration data base.

**SSB 6439: PROTECTING CERTAIN DOMESTIC SECURITY RECORDS**

*Prime Sponsor: Senator Gardner*

*(ESHB 2411 Representative Haigh)*

- Certain records relating to acts of terrorism are exempt from public inspection and copying.
- Information regarding the infrastructure and security of computer and telecommunications networks are exempt from public inspection and copying.
- The Joint Legislative Audit Review Committee must review the effect of the exemptions on agency responses to disclosure requests.

**SB 6460: FUNDING LOCAL GOVERNMENT RESEARCH SERVICES**

*Prime Sponsor: Senator Haugen*

- The state treasurer must distribute the full quarterly allotment of money from the liquor revolving and excise tax funds to the county, city and town research services accounts, regardless of any cash balance.
- All unobligated monies remaining in the accounts at the end of the fiscal biennium must be distributed by the treasurer to the counties, cities, and towns of the state.
- The months during which the treasurer must distribute liquor revolving funds into the city and town research services account are changed to June, September, December, and March.

**SB 6465: REVISING LIMITATIONS ON COUNTY AUDITORS**

*Prime Sponsor: Senator Carlson*

*(HB 2297 Representative Dunn)*

- The prohibition on county auditors and their deputies performing the duties of any other county officers or their deputies is eliminated. The prohibition is also eliminated on any other county officers and their deputies performing the duties of county auditors or their deputies.

**SB 6466: MODIFYING COUNTY TREASURER ADMINISTRATION PROVISIONS**

*Prime Sponsor: Senator Gardner*

- Procedures to be followed for interactions among and responsibilities of the county treasurer, county assessor, and county auditor are clarified.
- Notification requirements of foreclosure proceedings for delinquent local improvement assessments are specified.
- Property taxes must be paid in full before a trip permit for park model trailers may be issued.
- Details of property tax administration are addressed.

**ESB 6505: REVISING LOCAL IMPROVEMENT DISTRICT STATUTES**

*Prime Sponsor: Senator Gardner*

- Local improvement bonds must, among other requirements, provide that the principal sum and interest are payable out of the following: (1) local improvement fund created for the improvement; and (2) out of the local improvement guaranty fund, unless the ordinance under which the bond was issued provides otherwise; and (3) out of a reserve fund if established for such bonds. With respect to interest only, payments can be made out of the general revenues of the city or town, but only if pledged to the payment of such interest.
- If a bond is not secured by the local improvement guaranty fund, a statement to that effect must be printed thereon.
- The local improvement guaranty fund is not subject to any claim by the holder or owner of a local improvement bond issued under an ordinance that provides that such bonds are not secured by the guaranty fund.

**SB 6529: MODIFYING THE TIME PERIOD FOR HOLDING ELECTIONS TO FILL VACANCIES**

*Prime Sponsor: Senator Gardner*

- Dates at which scheduled elections lapse are changed from the fourth Tuesday prior to a primary to the sixth Tuesday prior to a primary.
- If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the sixth Tuesday prior to the primary, a successor is elected to that office at that general election. If the vacancy occurs on or after the sixth Tuesday prior to the primary, the election of the successor occurs at the next succeeding general election.

**SB 6571: PROVIDING FISCAL IMPACT STATEMENTS FOR BALLOT MEASURES**

*Prime Sponsor: Senator Franklin*

- The Office of Financial Management must prepare a fiscal impact statement for all ballot measures appearing on the ballot.
- The fiscal impact statement must: (1) include a summary of no more than 100 words; (2) include a more detailed statement that explains the assumptions on which the fiscal impacts were based and the fiscal effect the ballot measure would have, if approved by the voters, on local government; (3) be available online; and (4) be included in the state voters' pamphlet.

**SB 6577: PROHIBITING SUBSTITUTION OF SUBCONTRACTORS ON LARGER PUBLIC WORKS CONTRACTS**

*Prime Sponsor: Senator Gardner*

*(HB 2538 Representative Conway)*

- A subcontractor that proves to be the victim of bid shopping by a preponderance of the evidence is entitled to recover damages from the prime bidder and the substituted subcontractor.
- Situations where a listed subcontractor may be substituted by the prime contractor are enumerated.

**SSB 6597: AUTHORIZING ADDITIONAL SCHOOL DISTRICT CAPITAL DEMONSTRATION PROJECTS**

*Prime Sponsor: Senator Winsley*

*(HB 2551 Representative Romero)*

- The design-build and GC/CM (general contractor/construction manager) alternative contracting procedures may be used for public works projects over \$10 million.
- The School Project Review Board may authorize up to ten demonstration projects valued over \$5 million, of which at least two demonstration projects must be valued between \$5 and \$10 million. More than one demonstration project may be approved for a school district.

**SB 6609: ALLOWING COST RECOVERY IN CASES INVOLVING DISPUTED DEPARTMENT OF ECOLOGY STUDIES**

*Prime Sponsor: Senator Snyder*

*(HB 2705 Representative Hatfield)*

- When conducting a total maximum daily load study for a body of water, the Department of Ecology (DOE) must involve and share study information with affected concerned citizens, local governments, and local watershed planning groups.
- Any technical or procedural disagreements that arise during the process may be submitted to the director of DOE for review. Disagreement with the director's decision may be appealed to an Administrative Law Judge, whose decision is final. The Administrative Law Judge may order that the study be disregarded and award costs, including the cost of consultants, to the prevailing party.

**SB 6691: AUTHORIZING FIVE-MEMBER PORT COMMISSIONS TO HAVE FIVE COMMISSIONER DISTRICTS**

*Prime Sponsor: Senator Spanel*

- The voters of a port district having five commissioners where three of them are nominated from commissioner districts and the other two are nominated at-large, may vote to change its nominating system to one having all five commissioners nominated from commissioner districts.

**ESB 6713: MAKING VOLUNTARY PAYROLL DEDUCTIONS**

*Prime Sponsor: Senator Jacobsen*

- An employee's request to withhold a portion of wages or salaries for contributions to political committees or for use as political contributions no longer expires after 12 months and may last indefinitely.
- The employee must be notified, at least annually, of the prohibition against discrimination on political contributions.
- The employee may cancel a political contribution deduction at any time and must be notified at least annually about the right to revoke the request.

**SCR 8427: MODIFYING DISTRICTS EIGHTEEN AND FORTY-NINE IN THE PLAN FOR LEGISLATIVE REDISTRICTING**

*Prime Sponsor: Senator Carlson*

- *SCR 8427 is incorporated in its entirety into SCR 8429.*

**SCR 8429: MODIFYING DISTRICTS EIGHTEEN, TWENTY-SEVEN, TWENTY-EIGHT, AND FORTY-NINE IN THE PLAN FOR LEGISLATIVE REDISTRICTING**

*Prime Sponsor: Senator Snyder*

- *SCR 8427 is incorporated in its entirety into SCR 8429.*
- The plan for legislative redistricting approved and submitted by the Washington State Redistricting Commission is modified by transferring population between legislative districts twenty-seven and twenty-eight and between legislative districts eighteen and forty-nine.

**SCR 8430: MODIFYING DISTRICTS SEVEN AND TWELVE IN THE PLAN FOR LEGISLATIVE REDISTRICTING**

*Prime Sponsor: Senator Snyder*

- The plan for legislative redistricting approved and submitted by the Washington State Redistricting Commission is modified by transferring "blocks," but zero people, from legislative district seven to legislative district twelve.

**SHB 1079: SPECIFYING HOW STATE BUILDINGS ARE NAMED**

*Prime Sponsor: Representative Romero*

- A procedure is authorized for the Legislature to name new and existing buildings, public rooms, or spaces on the West Capitol Campus (currently defined in rule) and to name new and existing buildings on the State Capitol Grounds (defined in the bill). The Legislature must approve recommendations from the State Capitol Committee and the Director of General Administration, with the advice of the Capitol Campus Design Advisory Committee. Consideration must be given to any disparity that exists with respect to gender, diversity of human achievement, and diversity of the state's citizenry and history.
- Existing Buildings may only be renamed after a substantial renovation or change in predominant tenancy. The names on the facades of the state capitol group may not be removed.

**SHB 1189: ENFORCING PROTECTION OF ARCHAEOLOGICAL SITES**

*Prime Sponsor: Representative Lantz*

*(SB 5353 Senator Prentice.)*

- The department of Community Trade and Economic Development (CTED) may assess up to \$5,000 in civil fines for each violation of the state laws protecting archaeological sites.
- CTED may deny or condition the granting of permits for access to archaeological sites on the requestor's past record of violating state or federal, civil or criminal laws against archaeological disturbances and desecrations.

**HB 1196: MODIFYING PARKING AND BUSINESS IMPROVEMENT AREAS**

*Prime Sponsor: Representative Gombosky*

- The legislative authority of a local government is authorized to modify the boundaries of an existing parking and business improvement area.



**SHB 1521: AUTHORIZING THE STATE TREASURER TO DISTRIBUTE INTEREST FROM THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT**

*Prime Sponsor: Representative Simpson*

*(SB 5608 Senator Patterson)*

- The State Treasurer is directed to make one lump sum distribution of all interest earnings on the leasehold excise tax account accrued before July 1, 2002, to the contributing counties and cities proportionate to the amount of tax collected from each. Additionally, the State Treasurer must distribute all interest earnings accrued after July 1, 2002, bimonthly to the counties and cities proportionate to the amount collected.

**2SHB 2100: INCREASING BID LIMITS FOR PUDS USING THE ALTERNATIVE BID PROCEDURE UNDER RCW 39.04.190**

*Prime Sponsor: Representative Dunshee*

- The bid limits below which a public utility district (PUD) may purchase by contract materials, supplies, and equipment without complying with competitive bidding procedures are increased from \$5,000 to \$10,000.
- A PUD may use a vendor list to award purchase contracts exceeding \$10,000 but less than \$50,000 (increased from \$35,000).

**SHB 2169: ISSUING WARRANTS BY FIRE DISTRICTS**

*Prime Sponsor: Representative Alexander*

- Fire protection districts with annual operating budgets greater than \$250,000 and below \$5,000,000 may agree with the county treasurer that the district issue its own warrants rather than having warrants be issued by the county treasurer.

**HB 2320: REGARDING CAMPAIGN CONTRIBUTIONS**

*Prime Sponsor: Representative McDermott*

*(SB 6275 Senator Gardner)*

- The filing day for weekly contribution reports to be sent to the Public Disclosure Commission is moved from Friday to Monday.

**HB 2332: DIRECTING A STATEWIDE VOTER REGISTRATION DATA BASE**

*Prime Sponsor: Representative Romero*

*(SB 6324 Senator Gardner)*

- The Secretary of State must work with county auditors and voter registration experts to design and initiate the creation of a statewide voter registration data base.
- Institutions of higher education must set up an active prompt on their course registration web site, or other web site actively used by students, that links the student to the Secretary of State's voter registration web site and asks if the student wishes to register to vote.
  - *HB 2678 is incorporated in its entirety as part of HB 2332.*

**HB 2352: TRANSFERRING RISK MANAGEMENT FUNCTIONS FROM THE DEPARTMENT OF GENERAL ADMINISTRATION TO THE OFFICE OF FINANCIAL MANAGEMENT**

*Prime Sponsor: Representative Alexander*

*(SB 6427 Senator B. Sheldon)*

- The Office of Risk Management is transferred from the Department of General Administration to the Office of Financial Management and renamed the Risk Management Division.

**HB 2358: REVISING PROVISIONS RELATING TO ANNEXATION OF UNINCORPORATED TERRITORY WITH BOUNDARIES CONTIGUOUS TO TWO MUNICIPAL CORPORATIONS**

*Prime Sponsor: Representative Upthegrove*

- A municipal corporation providing sewer service is authorized to annex a parcel of unincorporated territory that is less than 100 acres and has at least 80 percent of its boundaries contiguous to two municipal corporations, one of which must be a water-sewer district.

**SHB 2366: FUNDING AND AUTHORIZING EXPENDITURES OF THE SECRETARY OF STATE**

*Prime Sponsor: Representative Ogden*

*(SB 6315 Senator Gardner)*

- The office of the Secretary of State and the State Archivist are allowed to solicit funds and other gifts to support the Oral History Program, for archival functions and for international trade hosting and missions.

**HB 2370: AUTHORIZING ALL COUNTIES TO SHARE COUNTY ROAD ENGINEERING SERVICES**

*Prime Sponsor: Representative Schoesler*

- The requirement that each county with a population of 8,000 or more employ a full-time road engineer is eliminated.
- Any county may hire either a full-time or part-time engineer, or may contract with another county for the services of a county road engineer.

**ESHB 2453: PROTECTING VETERANS' RECORDS**

*Prime Sponsor: Representative Bush*

- Veterans' discharge papers filed with county auditors are provided protection from public disclosure under the following conditions: (1) all discharge papers filed after June 30, 2002, and any filed before July 1, 2002, that have not been comingled with other recorded documents, are completely exempt; and (2) discharge papers filed before July 1, 2002, that have been comingled with other recorded documents, are exempt from public disclosure if the veteran who filed them also files a request for exemption with the county auditor.
- Access to protected discharge papers filed with the county auditor is limited to the veteran who filed them, his or her next of kin and anyone else designated in writing by the veteran to receive the records.

**HB 2467: MODIFYING COUNTY TREASURER PROVISIONS**

*Prime Sponsor: Representative Sullivan*

*(SB 6437 Senator Gardner)*

- When a port district acts as its own treasurer, the date by which the county treasurer disburses that port district's share of tax receipts is the 10th of the month after the county treasurer receives the taxes.

**HB 2493: REMOVING THE LIMITATION ON THE NUMBER OF VOLUNTEER FIRE FIGHTERS**

*Prime Sponsor: Representative Jackley*

- The 25-per-thousand population limit on the membership of a municipal corporation's volunteer fire department is eliminated.

**SHB 2495: UPDATING OUTDATED FIRE DISTRICT STATUTES TO INCREASE EFFICIENCY**

*Prime Sponsor: Representative Mulliken*

- Any fire district that has at least one full-time paid employee, or contracts with another municipal corporation for the services of at least one full-time paid employee, may levy an additional property tax of \$.50 per thousand dollars of assessed value.

**HB 2496: MODIFYING FIRE PROTECTION DISTRICT TAX PROVISIONS**

*Prime Sponsor: Representative Dunshee*

- Fire protection districts, with voter approval, are authorized an excess levy of up to four years for operations and maintenance and up to six years for capital projects.
- This bill only becomes effective if HJR 4220 is approved by the voters at the November 2002 general election.

**EHB 2498: ESTABLISHING A PILOT PROGRAM AUTHORIZING DESIGNATION OF INDUSTRIAL LAND BANKS OUTSIDE URBAN GROWTH AREAS UNDER CERTAIN CIRCUMSTANCES**

*Prime Sponsor: Representative Fromhold*

*(SB 5700 Senator Carlson)*

- Eligible counties are authorized to establish a process for designating industrial land banks outside of urban growth areas (UGAs) until December 31, 2007. Counties that qualify include: Whatcom, Clark, Lewis, Grant, Clallam Benton, Columbia, Franklin, Garfield, Walla Walla, Jefferson, and Mason.
- Additional criteria are required of a master planned location for major industrial developments outside a UGA before it may be included in the industrial land bank.
- A county that establishes or proposes an industrial land bank must review the need for such bank within the county during the required review and evaluation of comprehensive plans and development regulations.

**HB 2527: REVISING CERTAIN DAY LABOR LIMITS TO ACCOUNT FOR INFLATION**

*Prime Sponsor: Representative Sullivan*

*(SB 5873 Senator Patterson)*

- Day labor limits for city public works projects are increased by the equivalent of inflation since 1987. A second increase of day labor limits goes into effect in January 2010.

**HB 2571: AUTHORIZING PORT DISTRICTS TO PAY CLAIMS OR OTHER OBLIGATIONS BY CHECK OR WARRANT**

*Prime Sponsor: Representative Dunshee*

*(SB 6559 Senator Fairley)*

- The port districts that have elected to act as their own treasurer have the choice of paying their obligations by check or by warrant.

**2SHB 2697: INCORPORATING EFFECTIVE ECONOMIC DEVELOPMENT PLANNING INTO GROWTH MANAGEMENT PLANNING**

*Prime Sponsor: Representative Reardon*

- An economic development element and a park and recreation element are added to the list of required elements in the comprehensive plan.
- Residential communities are exempted from economic development element requirements. Park and recreation facilities must be included in the capital facilities plan element.
- The requirements to incorporate these new elements into the comprehensive plan are null and void until sufficient funds are appropriated.

**HB 2715: REVISING STATE CONVENTION AND TRADE CENTER MARKETING PROVISIONS**

*Prime Sponsor: Representative Murray*

*(SB 6618 Senator Thibaudeau)*

- The requirement in existing law that \$1.10 of private money match each \$1.00 of contract payments made to the Seattle-King County Convention and Trade Center by the State Convention and Trade Center in Seattle is removed.

**HB 2846: REQUIRING SPECIFIC FUNDING TO IMPLEMENT THE BUILDABLE LANDS REVIEW AND EVALUATION PROGRAM**

*Prime Sponsor: Representative Romero*

- The statutory Buildable Lands program that requires the six largest Western Washington counties to meet a September, 2002, deadline for certain program development requirements related to planned residential densities and uses is not applicable to those counties unless the Legislature appropriates at least \$2.5 million per biennium to implement the Buildable Lands program.

**HB 2902: AFFIRMING THE AUTHORITY OF CITIES AND TOWNS TO OPERATE FIRE HYDRANTS AND STREETLIGHTS**

*Prime Sponsor: Representative Santos*

*(SB 6690 Senator Poulsen)*

- Cities and towns are explicitly authorized to operate fire hydrants and streetlights as part of their rate-based water and electric utilities.

**HB 2907: ENCOURAGING FUND-RAISING ACTIVITIES ON BEHALF OF THE STATE LEGISLATIVE BUILDING**

*Prime Sponsor: Representative Schoesler*

*(SB 6800 Senator Honeyford)*

- State officers and employees are permitted to solicit charitable gifts to be used specifically for the purpose of preserving and restoring the state legislative building.

**HJM 4017: OPPOSING FEDERALIZATION OF THE NATIONAL GUARD**

*Prime Sponsor: Representative Haigh*

*(SJM 8033 Senator Oke)*

- The Legislature requests that the federal government accept the offer of the northern tier border states' governors to provide augmentation for border security with National Guard units mobilized under Title 32 of the United States Code (Title 32 status). Title 32 status is requested to allow governors to maintain command and control over their soldiers and to place the soldiers in federal pay status.

- The Legislature also requests that the National Guard remain in Title 32 status while augmenting the border.

**HJM 4021: HONORING WEST POINT ON ITS 200TH ANNIVERSARY**

*Prime Sponsor: Representative Buck*

- The state of Washington joins other states in honoring the 200th Anniversary of the United States Military Academy at West Point in recognizing that the United States Military Academy is a living testament to the accomplishments of the United States throughout its history.

**SHJM 4026: REQUESTING A MEMORIAL TO REMEMBER THE INTERNMENT OF  
JAPANESE-AMERICANS DURING WORLD WAR II**

*Prime Sponsor: Representative Rockefeller*

*(SJM 8036 B. Sheldon)*

- The Legislature requests that Congress continue its worthy endeavor to designate the former Eagledale ferry landing on Bainbridge Island as a national memorial to remember the unconstitutional internment of Japanese-Americans during WWII.

**HJR 4220: AMENDING THE CONSTITUTION TO RESTRICT THE NUMBER OF YEARS EXCESS  
LEVIES BY FIRE PROTECTION DISTRICTS CAN BE MADE**

*Prime Sponsor: Representative Dunshee*

- Fire protection districts, with voter approval, are authorized an excess levy of up to four years for operations and maintenance and up to six years for capitol projects. This amendment to the Constitution becomes effective if approved by the voters at the November 2002 general election.
- The implementing bill is HB 2496.

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# TRANSPORTATION

786-7300

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**SB 5138: INCREASING THE WEIGHT OF VEHICLES EXEMPTED FROM SCALE STOPS**

*Prime Sponsor: Senator Morton*

- The exemption from stopping at open weigh stations is expanded to include farm vehicles carrying farm produce with a gross weight of 26,000 pounds or less (increased from 16,000 pounds) and unladen tow trucks.

**SSB 5209: ALLOWING FEDERALLY RECOGNIZED INDIAN TRIBES TO BUY SURPLUS REAL PROPERTY FROM THE DEPARTMENT OF TRANSPORTATION**

*Prime Sponsor: Senator T. Sheldon*

- Federally recognized Indian tribes are authorized to buy surplus real property from the Department of Transportation making them coequal in this regard with state agencies, municipal corporations, abutting property owners and former owners.

**SB 5513: COMPENSATING HIGHWAY AND FERRY WORKERS FOR MOTORIST ASSAULT**

*Prime Sponsor: Senator Haugen*

*(HB 1176 Representative Hankins)*

- A program is created to provide supplemental reimbursement to employees of the Washington State Department of Transportation (WSDOT) who are victims of motorist assault. The benefits of the program last one year from the date of the injury.
- The WSDOT is responsible for making all payments required under the act.

**SB 5735: ALLOWING MOTORCYCLES TO HAVE BLUE DOT TAILLIGHTS**

*Prime Sponsor: Senator Gardner*

*(HB 1919) Representative Kirby*

- Any motorcycle may use a taillight that contains a blue or purple insert of not more than one inch in diameter.

**ESSB 5748: INTEGRATING TRANSPORTATION AND LAND USE PLANNING**

*Prime Sponsor: Senator McAuliffe*

*(HB 2440 Representative Romero)*

- Code cities should direct their planning agencies to include in their development plans the integration of transportation and land use planning.
- Priority programming for the highway improvement program must take into account the following: (1) support for development in and revitalization of existing downtowns; (2) the extent to which projects accommodate planned growth and economic development; (3) the extent that development implements local comprehensive plans; (4) the extent of compact, transit-oriented development at appropriate residential and nonresidential densities; and (5) the feasibility of multimodal transportation.

**2SSB 5949: ERECTING AND MAINTAINING MOTORIST INFORMATION SIGN PANELS**

*Prime Sponsor: Senator Haugen*

- The Department of Transportation is required to contract for ten years with a private contractor to erect and maintain the motorist information signs that it currently charges businesses to erect and maintain.

**ESSB 6008: PROVIDING COMMUTE TRIP REDUCTION INCENTIVES**

*Prime Sponsor: Senator Eide*

*(HB 1988 Representative Mitchell)*

- Commute Trip Reduction tax credits and grants are provided for employers who provide incentives for employees to use car pools, public transportation, car sharing, and non-motorized commuting.

**SB 6036: REPEALING LOCAL MOTOR VEHICLE TAXES**

*Prime Sponsor: Senator Eide*

- The local portion of the Motor Vehicle Excise Tax (MVET) that was not repealed by the Legislature during the 2000 session is repealed.
- The MVET authority granted to Sound Transit is not addressed.

**E2SSB 6140: AUTHORIZING CREATION OF REGIONAL TRANSPORTATION INVESTMENT DISTRICTS**

*Prime Sponsor: Senator McDonald*

- Pierce, King and Snohomish counties may submit a plan to voters to form a Regional Transportation Investment District.
- Projects that can be funded are capital in nature and include new lanes or reconstruction on highways of state-wide significance, including HOV lanes, bus pull-outs, park and rides, and fly-over ramps.
- Ten percent of regional revenues may be used for local arterials, existing highways, and new highways.
- The taxes that can be used by the district include: a vehicle fee of up to \$100 per year; a sales and use tax of up to 0.5 percent; a parking tax; tolls; and unused local taxes.

**SSB 6248: FUNDING BICYCLE AND PEDESTRIAN SAFETY**

*Prime Sponsor: Senator Jacobsen*

- Cooper Jones Act license plate emblems are created to fund the bicycle and pedestrian safety account for safety education, enforcement, and encouragement.

**SSB 6282: ALLOWING PRIVATE MOTORCYCLE SKILLS COURSES**

*Prime Sponsor: Senator Horn*

*(HB 2535 Representative Hatfield)*

- The Department of Licensing (DOL) may enter into agreements to review and certify that a private motorcycle skills education course meets educational standards equivalent to those required under DOL's motorcycle skills education program.
- DOL may waive all or part of the motorcycle endorsement examination for persons who satisfactorily complete a private course certified by the department.
- Only state residents and military personnel stationed in Washington can participate in the DOL motorcycle skills education course at specified subsidized rates.

- *SB 6433 is incorporated in its entirety into SB 6282.*
- Adults taking the DOL course shall pay no more than \$100, and persons under age 18 shall pay no more than \$50.

**ESB 6316: REGULATING ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES**

*Prime Sponsor: Senator Kastama*

*(HB 2417 Representative Cooper)*

- The operator of a Segway, a recently invented electronic mobility device which is not clearly covered by provisions of current law, is not required to have a driver's license, is not subject to vehicle lighting and other equipment requirements, is not required to have a certificate of ownership and is not subject to vehicle licensing requirements.
- Municipalities and state agencies may regulate the Segway in specified circumstances.

**ESSB 6347: MAKING TRANSPORTATION IMPROVEMENTS**

*Prime Sponsor: Senator Haugen*

- Contingent on the passage of a referendum creating new transportation revenue, approximately \$1.2 billion is appropriated during the 2001-2003 biennium to highway, rail, public transit, ferry and local government transportation projects.

**SSB 6350: ALLOWING USE OF COUNTY ROAD FUNDS FOR STATE HIGHWAY IMPROVEMENTS**

*Prime Sponsor: Senator Haugen*

*(HB 2316 Representative Morris)*

- The prohibition against the use of county road funds for the improvement of state highways is eliminated.
- The use of the county road funds on state projects is prohibited for maintenance projects or for operations.

**SB 6433: ADJUSTING THE MOTORCYCLE SKILLS COURSE FEE.**

*Prime Sponsor: Senator Horn*

*(HB 2362 Representative Hatfield)*

- *SB 6433 is incorporated in its entirety into SSB 6282.*

**SSB 6461: STRENGTHENING PROCEDURES FOR DISQUALIFICATION OF DRINKING OR DRUGGED COMMERCIAL DRIVERS**

*Prime Sponsor: Senator Gardner*

*(HB 1179 Representative Ericksen)*

- All medical review officers (MROs) and breath alcohol technicians (BATs) under contract with a motor carrier to conduct drug or alcohol testing on commercial drivers must provide positive results directly to the Department of Licensing (DOL). DOL must disqualify commercial drivers who fail the drug or alcohol test.
- Drivers who want to challenge the positive alcohol or drug results are entitled to a hearing on specified issues.
- Employers of commercial drivers who refuse to submit to a required drug or alcohol test are permitted to notify law enforcement or their MROs or BATs.



**ESSB 6464: AUTHORIZING THE CREATION OF A CITY TRANSPORTATION AUTHORITY**

*Prime Sponsor: Senator Jacobsen*

*(HB 2850 Representative Murray)*

- A city with a population over 300,000 can create a city transportation authority (CTA) to perform a public monorail transportation function if a majority of voters within the city approves it. A CTA may be proposed either by city ordinance or petition.
- A CTA may levy excess levies on property and issue revenue and general obligation bonds. In addition, taxes may be imposed if approved by voters within the authority area.
- A CTA may be dissolved by a referendum of city voters if the authority is faced with significant financial problems.

**SB 6530: ADJUSTING THE DEFINITION OF SALVAGE VEHICLES**

*Prime Sponsor: Senator Rasmussen*

- For the purposes of special titling and branding of salvage vehicles, the current definition of salvage vehicles is modified. In addition to being a vehicle that is less than six years old when wrecked or destroyed, salvage vehicles may also include vehicles that, at the time they are destroyed, are valued at \$6,500 and have model years not more than 20 years old.

**ESSB 6665: ESTABLISHING COST-BENEFIT CRITERIA FOR SR 167**

*Prime Sponsor: Senator Johnson*

- The Department of Transportation is directed to plan and design an improved and expanded corridor on State Route (SR) 167 from SR 405 down to SR 509 using the design-build process and the environmental streamlining process enacted by the Legislature in the 2001 legislative session.

**SSB 6748: REVISING VEHICLE IMPOUND AND TRANSFER PROCEDURES**

*Prime Sponsor: Senator Kline*

- The penalty for abandoning a vehicle is set at \$250 and suspension of driving privileges until penalties and restitution are paid.
- When a previously abandoned vehicle is sold at a public auction, liability for the operation of the vehicle is transferred from the previous owner to the purchaser at the point of sale and is evidenced by the abandoned vehicle report. Tow operators must send a copy of the abandoned vehicle report to the Department of Licensing (DOL) upon selling a vehicle at public auction to record the vehicle's buyer information.
- DOL must create a system that enables tow operators to send in abandoned vehicle reports and individuals to send in their seller's reports of sale electronically.
- A tow truck operator has the option of scrapping a "junk" vehicle that has been abandoned twice without a title change. The value used in determining if a vehicle is a "junk" vehicle is changed from the value of the scrap to the value of the parts of the vehicle.

**SB 6798: REVISING PROVISIONS RELATING TO STREET VACATIONS**

*Prime Sponsor: Senator Horn*

- A city or town may receive the full appraised value for street right-of-way property if it has been owned by the city for more than 25 years or it was acquired at public expense.

**SSB 6814: REVISING TRANSPORTATION FEES**

*Prime Sponsor: Senator Haugen*

- In response to recommendations from the Department of Licensing upon completion of a cost-recovery fee analysis, the following transportation fees are increased: Duplicate drivers licenses, identicards, duplicate identicards, photo and non-photo instruction permits, duplicate instruction permits, copies of driver records, title applications, trip permits, registration fees on travel trailers, personal trailers greater than 2,000 pounds, and mopeds.
- Additional increases are applied to agricultural permits, commercial driver school fees, motorcycle applications and instruction fees, vehicle dealer fees, temporary off-site sub-agency applications, and International Fuel Tax Agreement decals.

**HB 1460: ENFORCING SEAT BELT LAWS AS A PRIMARY ACTION**

*Prime Sponsor: Representative Lovick*

*(SB 5782 Senator Haugen)*

- Violation of seat belt laws may be enforced as a primary action.

**HB 2284: DISQUALIFYING COMMERCIAL DRIVERS FOR GRADE CROSSING VIOLATIONS**

*Prime Sponsor: Representative Fisher*

*(SB 6435 Senator Haugen)*

- Drivers of commercial vehicles who have been convicted of or found to have committed any of six specified railroad-highway grade crossing violations may be disqualified from driving a commercial motor vehicle for a minimum of 60 days and a maximum of three years.

**HB 2285: MODIFYING FUEL TAX PROVISIONS**

*Prime Sponsor: Representative Fisher*

*(SB 6434 Senator Benton)*

- The definition of fuel tax evasion is expanded to include omissions of fact and the unlawful use of dyed special fuel. Additionally, dyed special fuel (normally tax exempt) is subject to tax if it is held for sale, used, or is intended to be used in violation of the law.

**HB 2286: CORRECTING LANGUAGE REGARDING CERTIFICATES OF OWNERSHIP FOR STOLEN VEHICLES**

*Prime Sponsor: Representative Fisher*

*(SB 6432 Senator Benton)*

- In conducting a stolen vehicle search of out-of-state vehicles, if a vehicle is flagged as reported stolen, the Department of Licensing is prohibited from issuing a certificate of ownership until the issue is cleared up.

**EHB 2288: FACILITATING PERPETUAL MANAGEMENT OF ENVIRONMENTAL MITIGATION SITES**

*Prime Sponsor: Representative Fisher*

*(SB 6250 Senator Haugen)*

- The Department of Transportation's (DOT) current obligation to maintain mitigation sites into perpetuity is modified to allow DOT to convey mitigation sites to governmental agencies, private, non-profit groups organized for environmental conservation, and tribal governments in exchange for operating and maintaining the site into perpetuity.
- If the site is not used as a mitigation site or is not maintained to legal requirements, it automatically reverts to DOT.

**ESHB 2304: ADOPTING CERTAIN RECOMMENDATIONS OF THE STATE BLUE RIBBON COMMISSION ON TRANSPORTATION**

*Prime Sponsor: Representative Fisher*

*(SB 6269 Senator Gardner)*

- Blue Ribbon Commission benchmarks are set in statute as policy goals.
- For augmentation purposes, the Department of Transportation may acquire construction-engineering services from private firms.
- The Department of Labor and Industries shall conduct a study of prevailing wages for transportation labor.
- Where appropriate, the Department of Transportation's programming priority processes must be based on cost-benefit analyses addressing congestion.
- Transportation improvements must be allocated to the worst traffic chokepoints in the state.
- Local governments must provide to the Transportation Commission a lowest life cycle cost preservation management plan/assets inventory.

**HB 2345: ALLOWING NON-INJURY ACCIDENTS TO CLEAR THE ROADWAY**

*Prime Sponsor: Representative Lovick*

- Drivers involved in non-injury accidents are required to move the vehicles off the roadway or freeway as soon as possible, rather than remain at the scene as required by current law. Drivers are required to remain at a suitable location until necessary information has been exchanged.
- Law enforcement or a representative of the Department of Transportation may have a vehicle, cargo or debris removed from the roadway without incurring liability.

**SHB 2432: REGULATING DRIVING ABSTRACTS FURNISHED TO TRANSIT AGENCIES ON VANPOOL DRIVERS**

*Prime Sponsor: Representative Lovick*

*(SB 6493 Senator Gardner)*

- Transit authorities or their agents are authorized to obtain certified abstracts of prospective vanpool drivers' full driving records directly from the Department of Licensing.
- Driving record abstracts may also be obtained by insurance carriers that have motor vehicle or life insurance covering an individual.

### **ESHB 2451: MAKING SUPPLEMENTAL TRANSPORTATION APPROPRIATIONS**

*Prime Sponsor: Representative Fisher*

*(SB 6348 Senator Haugen)*

- Approximately \$3.5 billion is appropriated to the Department of Transportation, the Washington State Patrol, the Department of Licensing, the Transportation Improvement Board, the County Road Administration Board, and some general government agencies.
- Eight hundred million dollars in bond expenditures is provided for the Tacoma Narrows bridge project.

### **ESHB 2560: SHIFTING APPROVAL OF DRIVER TRAINING SCHOOLS FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF LICENSING**

*Prime Sponsor: Representative Quall*

*(SB 6547 Senator Haugen)*

- Responsibility for standards and annual approval of all driver training schools and their instructors is shifted to the Department of Licensing (DOL) from the Office of the Superintendent of Public Instruction (OSPI), even if they teach persons under the age of 18.
- The OSPI will continue to set the standards and approve traffic safety education classes conducted in high schools.
- All instructors who teach children under age 18 must submit to a criminal background check.
- The existing driver instructor's advisory committee must consider the teacher certification standards used by OSPI when updating instructional certification standards.

### **SHB 2673: REGULATING FIRE TRUCK WEIGHT**

*Prime Sponsor: Representative Cooper*

- A maximum weight limit for fire fighting apparatus is set at 50,000 pounds on a tandem axle set. Vehicles under the maximum but over 24,000 pounds per single axle or 43,000 pounds per tandem axle must apply for an overweight permit from the Department of Transportation. Vehicles in operation before the act is effective are exempt from the prescribed weight limits but must obtain overweight permits.
- Standards are also set for weighing vehicles and processing permits.
- With this act, the Washington State Patrol is allowed to conduct random spot checks to ensure compliance, and violations are considered traffic infractions.

### **EHB 2723: REVISING PUBLIC-PRIVATE TRANSPORTATION INITIATIVES**

*Prime Sponsor: Representative Ogden*

- Public financing is authorized for the Tacoma Narrows bridge project.
- The prohibition against tolling the existing Tacoma Narrows Bridge is amended to allow tolling so long as any state-provided financing is used.
- A citizen advisory committee is created to review and make recommendations on proposed changes to toll rates for public-private initiative projects.
- A legislative oversight committee is created to review public-private initiative projects.

## **ESHB 2969: ADDRESSING TRANSPORTATION IMPROVEMENT AND FINANCING**

*Prime Sponsor: Representative Fisher*

*(SB 6659 Senator Haugen)*

- Subject to voter approval at the next general election, the following taxes and fees are increased: fuel taxes are increased by nine cents per gallon over two years; gross weight fees on large vehicles are increased by 30 percent over two years; and the sales tax on new and used vehicles is increased by one percent.
- The amount of the fuel tax transferred to accounts benefitting off-road vehicles, snowmobiles and boating is raised.
- Beginning fiscal year 2006, sales taxes on highway construction projects are transferred to transportation accounts.

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# WAYS & MEANS

786-7715

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**SB 5082:      DEFINING RURAL COUNTIES FOR PURPOSES OF SALES AND USE TAX FOR PUBLIC FACILITIES IN RURAL COUNTIES**

*Prime Sponsor: Senator Haugen*

*(HB 1628 Representative Barlean)*

- Counties that are smaller than 225 square miles (i.e., Island County) may adopt local option sales taxes to finance public facilities such as bridges, roads, and sewers.

**3SSB 5514:    CHANGING PROVISIONS RELATING TO PUBLIC FACILITIES DISTRICTS**

*Prime Sponsor: Senator Spanel*

- The requirements for Public Facilities Districts (PFD) to qualify to impose the 0.033 percent sales tax are changed so that the PFD must be formed by July 31, 2002 and construction must begin by January 1, 2004.
- A full state and local sales tax refund is available to all PFDs when building a regional center. The sales tax proceeds are refunded to the PFD when the regional center is operationally complete. No refunds shall be given before January 2006.
- Cities are allowed to tax the admissions at a public facility if the revenue is dedicated to that public facility.

**SB 5523:      AUTHORIZING AN OFFSET FOR CERTAIN OVERPAYMENTS OF TAX CONCERNING LEASED EQUIPMENT**

*Prime Sponsor: Senator Horn*

- An exemption to the four-year limitation on tax refunds is granted for overpayments of sales tax on leased equipment.
- Taxpayers are allowed to credit the sales tax paid incorrectly on the original sale to offset the amount of sales taxes subsequently owed on the leased property.

**2SSB 5965:    AUTHORIZING LOCAL OPTION REAL ESTATE EXCISE TAXES FOR AFFORDABLE HOUSING PURPOSES**

*Prime Sponsor: Senator Spanel*

*(HB 1972 Representative Quall)*

- An additional 0.5 percent Real Estate Excise Tax is authorized for counties for the development of affordable housing, subject to voter approval.
- Only a county that imposes the 1.0 percent tax for conservation areas at the maximum rate, and imposes it by January 1, 2003, is eligible.

**ESSB 6060:    UPDATING REFERENCES FOR PURPOSES OF THE HAZARDOUS SUBSTANCES TAX**

*Prime Sponsor: Senator Fraser*

- References to federal acts defining hazardous substances are updated for purposes of the state hazardous substance tax.
- Exempted are certain non-compound metals that are no longer included as a hazardous substance.

**SB 6061: REQUIRING QUARTERLY MEETINGS OF MUNICIPAL FIREMEN'S PENSION BOARDS**

*Prime Sponsor: Senator Patterson*

- The meeting requirements for the Municipal Fireman's Pension Boards are reduced from monthly to quarterly.

**SSB 6342: ADOPTING THE SIMPLIFIED SALES AND USE TAX ADMINISTRATION ACT**

*Prime Sponsor: Senator Poulsen*

*(HB 2608 Representative Sullivan)*

- The Simplified Sales and Use Tax Administration Act is adopted, which authorizes Washington State to be a voting member in negotiating a national Streamlined Sales and Use Tax Agreement.

**SB 6372: CREATING THE COMBINED FUND DRIVE ACCOUNT**

*Prime Sponsor: Senator Fraser*

*(HB 2408 Representative Romero)*

- A separate, interest bearing account is established in the state treasury for the proceeds of the combined fund drive.
- The Department of Personnel is authorized to adopt rules for the combined fund drive.

**SB 6374: CORRECTING ERRORS AND OVERSIGHTS IN CERTAIN RETIREMENT SYSTEM STATUTES**

*Prime Sponsor: Senator Jacobsen*

*(HB 2387 Representative Doumit)*

- Errors, conflicts and duplications are corrected in statutes relating to various provisions in the School Employees' Retirement System, the Teachers' Retirement System, the Law Enforcement Officers' and Firefighters' Retirement System, and the Public Employees' Retirement System.

**SB 6375: CONFORMING THE WASHINGTON STATE RETIREMENT SYSTEMS TO FEDERAL REQUIREMENTS ON VETERANS**

*Prime Sponsor: Senator Fraser*

*(HB 2388 Representative Conway)*

- The Public Employees' Retirement System Plan 1 (PERS 1) and the Washington State Patrol Retirement System (WSPRS) statutes are conformed to federal law with regard to military service credit so that members of PERS 1 and WSPRS may receive both state and federal military service credit.,
- The definition of Vietnam Era is expanded so that it is consistent with Federal statute for veterans who served in the Republic of Vietnam for the period February 28, 1961, to May 7, 1975. Vietnam Era also includes the period beginning August 5, 1964, and ending May 7, 1975, for all veterans, regardless of where they served.

**SB 6376: TRANSFERRING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 3**

*Prime Sponsor: Senator Regala*

*(HB 2389 Representative Conway)*

- The designated time period to qualify for the transfer payment authorized by the Legislature last year for employees who transfer from Public Employees' Retirement System (PERS) Plan 2 to Plan 3 is changed from February, 2003, to June, 2002, for state agencies and higher education institutions and to either June, 2002, or February, 2003, for all other organizations.

**SB 6378: AUTHORIZING PART-TIME LEAVES OF ABSENCE FOR LAW ENFORCEMENT MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2**

*Prime Sponsor: Senator Spanel*

*(HB 2391 Representative Conway)*

- A part-time leave of absence provision for existing law enforcement officers of LEOFF 2 is added to existing leave of absence rules. This provision is optional and, if an employer chooses to authorize part-time leave, the member is prohibited from any other employment with the employer during the part-time leave.
- Members may earn service credit for the portion of time worked for their LEOFF 2 employers during a part-time leave of absence. Consistent with current rules upon returning to full-time employment, members may purchase up to two years of service credit that was unearned during the part-time leave.
- Members choosing to purchase the service credit must pay the employee, employer and state contributions, including interest, within five years of returning to full-time service.

**SB 6379: TRANSFERRING SERVICE CREDIT AND CONTRIBUTIONS INTO THE WASHINGTON STATE PATROL RETIREMENT SYSTEM**

*Prime Sponsor: Senator Carlson*

*(HB 2392 Representative Delvin)*

- Commercial Vehicle Enforcement Officers (CVEOs) who became commissioned officers as a result of the 2000 Supplemental Budget appropriation that funded 30 Interior CVEOs through the State Patrol Academy are allowed to transfer all past service credit and contributions from the Public Employees Retirement System Plan 2 (PERS 2) to the Washington State Patrol Retirement System (WSPRS) if they pay the difference between the employee and employer contributions made to PERS 2 and those which would have been paid to WSPRS, including interest.

**ESB 6380: CREATING NEW SURVIVOR BENEFIT DIVISION OPTIONS FOR DIVORCED MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, THE TEACHERS' RETIREMENT SYSTEM, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND THE WASHINGTON STATE PATROL RETIREMENT SYSTEM**

*Prime Sponsor: Senator Winsley*

*(HB 2393 Representative Alexander)*

- For state retirement plans that offer an automatic survivor benefit, a new option is created that permits a divorcing spouse at the time of divorce to claim not only a portion of the member's benefit, but also a portion of any future spouse's survivor benefit. An optional, actuarially reduced spousal survivor benefit is also added. Additionally, ex-spouses who received a portion of a member's benefit upon divorce will continue to receive a benefit if they outlive the member.
- For state retirement plans that offer an optional survivor benefit, the Department of Retirement Systems must adopt rules by July 1, 2003, to make a new survivor option available at divorce. The new rules must provide for a division of the total benefits of the member and divorcing spouse into two separate, single-life benefits payable for the life of that individual.



**SB 6381: SEPARATING FROM PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1**

*Prime Sponsor: Senator Fraser*

*(HB 2394 Representative Alexander)*

- Inactive Public Employees' Retirement System 1 (PERS 1) members who reach age 50 or older with at least 20 years of service prior to separating from service, and are not retired as of the effective date of the bill, are allowed to receive an unreduced retirement allowance at age 60 instead of at age 65 as provided in current law.

**ESSB 6387: MAKING 2001-03 BIENNIUM SUPPLEMENTAL OPERATING APPROPRIATIONS**

*Prime Sponsor: Senator Brown*

*(HB 2460 Representative Sommers)*

- Appropriations for the 2001-03 fiscal biennium for state agencies and institutions are modified.
- For additional information, see "Supplemental Operating Budget Summary" and "Statewide Summary and Agency Detail" published by the Senate Ways & Means Committee. Summary and detailed information is also available on the Senate Ways & Means website at [www.leg.wa.gov/senate](http://www.leg.wa.gov/senate).

**ESB 6396: ADOPTING A SUPPLEMENTAL CAPITAL BUDGET**

*Prime Sponsor: Senator Fairley*

*(HB 2510 Representative Murray)*

- Approximately \$142 million in supplemental capital budget appropriations are made, including the "economic stimulus package."
- The supplemental appropriations are financed with \$42 million of unused education construction funds, \$88 million of new state bonds and \$12 million of budget savings.

**SB 6419: INCLUDING SHIPPING CHARGES IN THE MEASURE OF USE TAX**

*Prime Sponsor: Senator Poulsen*

*(HB 2640 Representative Gombosky)*

- *SB 6419 is incorporated in its entirety into SB 6835.*

**E2SSB 6560: ALLOWING THE LOTTERY COMMISSION TO PARTICIPATE IN A SHARED GAME  
LOTTERY**

*Prime Sponsor: Senator Prentice*

*(HB 2624 Representative Conway)*

- Legislative authorization is provided for the State Lottery Commission to enter into an agreement for the multi-state shared-game lottery known as "The Big Game."
- Lottery revenues of \$102 million per year are guaranteed to the student achievement account and education construction account. Remaining net revenues are deposited into the state general fund.
- Five hundred thousand dollars of shared-game lottery proceeds in fiscal year 2003 are guaranteed for the treatment of pathological gambling.

**SSB 6787: EXEMPTING ORGAN PROCUREMENT ORGANIZATIONS FROM TAXATION**

*Prime Sponsor: Senator B. Sheldon*

*(HB 2908 Representative Berkey)*

- Income of nonprofit organ procurement organizations is exempted from the business and occupation tax to the extent that it is exempt from federal income tax.
- The purchase or use of medical supplies, chemicals, or specialized materials for nonprofit organ procurement organizations is exempted from sales and use tax.

**SB 6818: CONCERNING THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS**

*Prime Sponsor: Senator Fairley*

The State Finance Committee is authorized to issue up to \$175 million of state general obligation bonds to finance projects appropriated in the 2001-03 supplemental capital budget.

The definition of "general state revenues" used for calculating the statutory debt limit is broadened to include the real estate excise tax (REET).

**SB 6819: MAKING TEMPORARY AMENDMENTS TO THE STATE'S EXPENDITURE LIMITATIONS TO ADDRESS THE REVENUE SHORTFALL IN THE 2001-2003 BIENNIUM**

*Prime Sponsor: Senator Brown*

- During the 2001-03 fiscal biennium, actions of the Legislature that raise state revenue or transfer money from the Emergency Reserve Fund may be taken by a majority vote of each house of the Legislature, but only if the actions do not cause expenditures to exceed the state expenditure limit.

**SSB 6822: CLARIFYING THAT USE TAX IS DUE ON CERTAIN DIRECT MAIL ADVERTISING PIECES**

*Prime Sponsor: Senator Poulsen*

- *SB 6822 is incorporated in its entirety into SB 6835.*

**SSB 6823: REGARDING THE SALARY FORMULA FOR STATE-FUNDED BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF**

*Prime Sponsor: Senator Finkbeiner*

- The Superintendent of Public Instruction, when calculating salary allocations for certificated instructional staff, is required to use the state salary allocation schedule and related documents, conditions and limitations established by the omnibus appropriations act.

**SB 6828: SECURITIZING A PORTION OF THE STATE'S REVENUE FROM THE TOBACCO LITIGATION NATIONAL MASTER SETTLEMENT AGREEMENT**

*Prime Sponsor: Senator Brown*

- The Tobacco Settlement Authority is established as a state agency, governed by a five-member board appointed by the Governor, with administrative support provided by the staff of the existing state Housing Finance Commission.
- The Governor is authorized to sell to the Tobacco Settlement Authority the right to receive a portion of the state's annual share of the revenue from the national master tobacco settlement agreement in order to generate \$450 million net proceeds to the state General Fund.
- To raise the revenue necessary to purchase the share of the state's tobacco revenues, the Tobacco Settlement Authority is authorized to issue revenue bonds. These bonds are not general obligations of the state of Washington and are backed solely by the revenues received from the tobacco manufacturers.

**SB 6832: ESTABLISHING DEPARTMENT OF SOCIAL AND HEALTH SERVICES AUTHORITY TO PURCHASE INTERPRETER SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS**

*Prime Sponsor: Senator Brown*

- The Department of Social and Health Services (DSHS) is authorized and expected to pursue opportunities in order to achieve substantial savings on the more than \$24 million per year it currently spends on interpreter services for people with limited English-speaking ability who need to communicate with doctors, dentists, and social workers.
- Specifically, DSHS is authorized to: (1) contract directly with individuals and agencies for delivery of interpreter services, rather than relying upon regional contracts procured by the Department of General Administration; and (2) contract with independent local agencies to coordinate and monitor the delivery of those services.

**SSB 6833: REVISING MEDICAL CARE ELIGIBILITY FOR CERTAIN IMMIGRANTS**

*Prime Sponsor: Senator Brown*

- State funds will no longer be used to provide Department of Social and Health Services (DSHS) Medical Assistance to certain immigrant groups that are ineligible for federal Medicaid matching funds.
- Legal immigrants during their first five years of residence in this country and children whose families cannot document that they are here legally are eligible for DSHS Medical Assistance only to the extent allowed by federal Medicaid rules.
- Instead, the 2002 Supplemental budget makes available \$23 million to provide them medical coverage through the state's Basic Health Plan, and dental care through community clinics.

**SB 6834: REVISING THE USE TAXATION OF CERTAIN SERVICES**

*Prime Sponsor: Senator Poulsen*

- *SB 6834 is incorporated in its entirety into SB 6835.*

**SB 6835: REVISING USE TAX PROVISIONS**

*Prime Sponsor: Senator Poulsen*

- *SB 6419 is incorporated in its entirety into SB 6835.*
- For the purposes of calculating the use tax, delivery charges are included in the value of an article.
  - *SB 6822 is incorporated in its entirety into SB 6835.*
- The use tax statutes are modified to clarify that tax is due on direct mail advertising printed out-of-state and mailed directly to Washington residents.
  - *SB 6834 is incorporated in its entirety into SB 6835.*
- The use tax is imposed on services performed outside the state on tangible personal property used in this state.

**2SHB 1477: ALLOWING COUNTIES TO IMPOSE TAXES FOR EMERGENCY COMMUNICATION SYSTEMS**

*Prime Sponsor: Representative Dunshee*

- Counties are authorized to impose an additional 0.1 percent sales and use tax for emergency communication systems and facilities, subject to voter approval.

**2SHB 1531: MODIFYING THE TAXATION OF LODGING**

*Prime Sponsor: Representative Morris*

*(SB 5894 Senator Patterson)*

- The current exemption from sales and hotel/motel taxes for lodging of over 30 days is clarified so that it does not require use of the same rooms or block of rooms.

**SHB 2466: REVISING THE MULTIPLE-UNIT DWELLINGS PROPERTY TAX EXEMPTION**

*Prime Sponsor: Representative Morell*

- The minimum city population cap is reduced from 50,000 to 30,000 for the multifamily housing property tax exemption program.
- The cost of the rehabilitation or construction must be counted as new construction when calculating the maximum district property tax amount at the time the property is no longer exempt.
- Cities are allowed to limit the tax exemption to individual dwelling units that meet the city guidelines for program participation.

**HB 2537: PROVIDING AUTHORIZATION FOR PROJECTS RECOMMENDED BY THE PUBLIC WORKS BOARD**

*Prime Sponsor: Representative McIntire*

*(SB 6398 Senator Fairley)*

- The Public Works Boards list of 64 recommended public works project loans totaling \$206 million is authorized.

**HB 2595: PROVIDING FUNDING FOR WIRELESS ENHANCED 911 SERVICES**

*Prime Sponsor: Representative Morris*

*(SB 6034 Senator Fraser)*

- The county 911 tax of \$0.25 on wireless lines is increased to \$0.50, and a new state enhanced 911 (E911) tax of \$0.20 is imposed on wireless lines, effective January 1, 2003.
- Revenues from the state tax can be used for implementation and operation of wireless E911 statewide, including funding of counties and reimbursement of wireless carriers.

**HB 2641: IMPLEMENTING THE RECOMMENDATIONS OF THE INVESTMENT INCOME TAX DEDUCTION TASK FORCE FOR THE BUSINESS AND OCCUPATION TAX**

*Prime Sponsor: Representative Gombosky*

*(SB 6384 Senator Brown)*

- The business and occupation tax is eliminated for investment income received by businesses that might be considered financial businesses, except for banking businesses, lending businesses, security business, loans or the extension of credit, revolving credit arrangements, installment sales, and the acceptance of payment over time for goods or services.

**SHB 2648: REQUIRING ADDITIONAL INFORMATION FROM CERTAIN CAPITAL BUDGET APPLICANTS**

*Prime Sponsor: Representative Murray*

- In its existing capital budget instructions, the Office of Financial Management (OFM) must require capital budget applicants to provide additional specified information for proposed major capital projects.

- OFM must take into account this additional information to promote capital facilities expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

**HB 2732: EXCLUDING GOVERNMENT SUBSIDIZED SOCIAL WELFARE COMPENSATION FROM TAXATION**

*Prime Sponsor: Representative Gombosky*

- Retroactive relief is provided to beneficiaries of the business and occupation (B&O) tax deduction enacted in 2001 for nonprofit and public hospitals that received payments from organizations under contract with the federal or state government to manage health benefits.
- The relief includes refunding B&O tax paid since January 1, 1998, and waiving accrued tax liability on amounts now subject to deduction under last year's legislation

**HB 2782: IMPLEMENTING THE RESULTS OF THE 1995-2000 ACTUARIAL EXPERIENCE STUDY**

*Prime Sponsor: Representative Doumit*

- In response to the 1995-2000 experience study conducted by the State Actuary that showed contribution rates for PERS (Public Employees' Retirement System), TRS (Teachers' Retirement System), SERS (School Employees' Retirement System), and LEOFF (Law Enforcement Officers' and Fire Fighters') retirement system were higher than necessary to fully fund the systems, new employer and employee contribution rates are established effective April 1, 2002, for the remainder of the biennium (resulting in a \$63 Million GF-S Savings for fiscal year 2003).

**SHB 2800: REMOVING THE CAPITAL PROJECTS SURCHARGE ON CERTAIN DEPARTMENT OF SERVICES FOR THE BLIND VENDORS**

*Prime Sponsor: Representative Hunt*

- Beginning July 1, 2002, Department of Services for the Blind vendors who operate cafeteria services in a building owned and managed by the Department of General Administration are exempt from paying the capital projects surcharge, so that their rent may only be based upon rentable square feet including maintenance and operation costs.

**SHB 2895: ALLOWING PORT EMPLOYEES TO JOIN MORE THAN ONE RETIREMENT PLAN SUBJECT TO A LABOR AGREEMENT**

*Prime Sponsor: Representative Kessler*

- The prohibition against Public Employees' Retirement System (PERS) members who are port employees participating in an employer-sponsored, supplemental pension plan is removed.
- Employees may contribute to a supplemental plan and remain PERS members. Employer contributions are prohibited.

**SHB 2914: CREATING THE STATE FINANCIAL AID ACCOUNT**

*Prime Sponsor: Representative Kenney*

- A state treasury account is created to receive unspent appropriations from four of the state's college financial aid programs: State Need Grants, State Work Study, Washington Scholars Awards and Washington Awards for Vocational Excellence.
- Rather than lapsing to the Education Savings Account at the close of the state fiscal year, the intent is to make such funds available, through the Higher Education Coordinating Board to assist eligible students in a subsequent academic year.
- The transfer of unspent state money is not accomplished by the passage of this bill but would occur, subject to legislative appropriation, through the state's biennial budget act.

**SHB 2926: TRANSFERRING THE STATE LIBRARY TO THE OFFICE OF THE SECRETARY OF STATE**

*Prime Sponsor: Representative Clements and Grant*

- The State Library and the State Library Commission are eliminated. Their powers, duties, functions and appropriations are transferred to the Office of the Secretary of State.
- All existing contracts, obligations and programs remain intact and are performed by the Office of the Secretary of State.
- The State Librarian is appointed by the Secretary of State and named the Chief Executive Officer of the State Library. The State Librarian's authority includes assisting with the establishment and development of library services, accepting and expending grants including federal funding, and licensing professional librarians.

**EHB 3011: MODIFYING AND STUDYING THE LOCAL EFFORT ASSISTANCE PROGRAM**

*Prime Sponsor: Representative Fromhold*

- The Legislature finds that changes in state and federal funding have taken place since the creation of the local effort assistance program, making it necessary to reexamine whether the purpose of the program is being fulfilled.
- A 19 member joint task force on local effort assistance is created. The makeup of the task force is specified, including: six members from the House of Representatives, three from each caucus; six members from the Senate, three from each caucus; the Superintendent of Public Instruction; and others.
- By December 1, 2002, the task force is to complete an analysis of the history of the local effort assistance program and its impacts and determine whether the purpose of the local effort assistance program is being met under the current allocation formula.
- Calendar year 2003 local effort assistance allocations to school districts must be reduced by one percent.