

## of the State of Washington

## **DIGEST SUPPLEMENT**

To Legislative Digest and History of Bills **Supplement No. 41\*** 

#### FIFTY-EIGHTH LEGISLATURE

Tuesday, March 11, 2003

58th Day - 2003 Regular

	SENA	ГЕ		HOUSE	
SB 5121-S SB 5135-S2 SB 5162-S SB 5228-S SB 5228-S SB 5298-S SB 5298-S SB 5337-S SB 5400-S SB 5466-S SB 5499-S SB 5533-S SB 5562-S SB 5600-S SB 5643-S SB 5645-S SB 5694-S2	SB 5733-S SB 5797-S SB 5851-S SB 5854-S SB 5859-S SB 586-S SB 5873-S SB 5912-S SB 5912-S SB 5941-S SB 5947-S SB 5947-S SB 5953-S SB 5957-S SB 5961-S SB 5966-S SB 5974-S	SB 5976-S SB 5986-S SB 5987-S SB 6001-S SB 6028	HB 1003-S2 HB 1068-S HB 1223-S2 HB 1234-S2 HB 1251-S HB 1260-S HB 1316-S HB 1317-S HB 1411-S HB 1418-S HB 1437-S HB 1608-S HB 1602-S HB 1602-S HB 1706-S HB 1707-S HB 1707-S	HB 1755-S HB 1803-S HB 1840-S HB 1876-S HB 1888-S HB 1909-S HB 1944-S HB 1957-S HB 2007-S HB 2011-S HB 2012-S HB 2012-S HB 2040-S HB 2046-S HB 2076-S HB 2076-S HB 2089-S	HB 2090-S HB 2094-S HB 2105-S HB 2111-S HB 2118-S HB 2124-S HB 2130-S HB 2132-S HB 2147-S HB 2164-S HB 2202-S HB 2215 HB 2216

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SB 5018         Supp. 1           SB 5018-S         Supp. 15           SB 5019         Supp. 1           SB 5020         Supp. 1           SB 5021         Supp. 1	SB 5041       Supp. 1         SB 5042       Supp. 1         SB 5043       Supp. 1         SB 5044       Supp. 1         SB 5044+S       Supp. 10	HB 1012-S     Supp. 18     HB 1035     Supp. 1       HB 1013     Supp. 1     HB 1036     Supp. 1       HB 1013-S     Supp. 10     HB 1036-S     Supp. 26       HB 1014     Supp. 1     HB 1037     Supp. 1       HB 1015     Supp. 1     HB 1038     Supp. 1
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#### **House Bills**

HB 1003-S2 by House Committee on Appropriations (originally sponsored by Representatives Morris, Linville, Wood, Anderson, O'Brien and Sullivan)

Creating the research and technology transfer commission.

#### (DIGEST OF PROPOSED 2ND SUBSTITUTE)

Declares an intent to promote growth in the technology sectors of our state's economy and to particularly focus support on the creation and commercialization of intellectual property in the technology, energy, and telecommunications industries.

Creates the investing in innovation account in the custody of the state treasurer.

Creates the research and technology transfer commission.

Requires the commission to periodically make strategic assessments of the types of state investments in biomedical research and biotechnology in this state that would likely create jobs and business opportunities and produce the most beneficial long-term improvements to the public health of the citizens of the state. One area of focus for the commission shall be the biomedical research and biotechnology proposals that address cancer, cardiovascular, and smoking-related illnesses.

Requires the commission to periodically make strategic assessments of the types of state investments at any research institution of higher education in Washington state in technology, telecommunications, and energy research that would likely create jobs and business opportunities and would make telecommunications technology and energy technology more universally available, reliable, or affordable.

Makes the assessments available to the public and shall be used by the commission to guide its decisions on awarding grants.

#### -- 2003 REGULAR SESSION --

Mar 6 APP - Majority; 2nd substitute bill be substituted, do pass.

Minority; do not pass.

Mar 10 Passed to Rules Committee for second reading.

HB 1068-S by House Committee on Local Government (originally sponsored by Representatives Campbell, Bush and Rockefeller)

Requiring a vote on any local ordinance providing for fluoridation.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that it is in the public interest for the registered voters affected by a fluoridation proposal to make the final decision on whether to fluoridate a public water system as defined by RCW 70.116.030. The legislature further finds that fluoridation decisions are best made by voters prior to the addition of fluoride to public water systems.

Provides that a local board of health shall not authorize the fluoridation of a public water system as defined by RCW 70.116.030 unless: (1) A majority of the members of a local board of health vote to request the county legislative authority to cause a proposition of fluoridation of a public water system to be submitted to the registered voters residing within the area described in the board'sproposition of fluoridation at a general or special election; and

(2) Following an election as provided in this subsection, a majority of the votes cast on the proposition are in favor of fluoridation.

#### -- 2003 REGULAR SESSION --

Mar 4 LG - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 5 Passed to Rules Committee for second reading.

HB 1223-S2 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Kagi, Chase, Cody and Lovick)

Placing jurisdiction over deceased minors with the county coroner.

#### (DIGEST OF PROPOSED 2ND SUBSTITUTE)

Places jurisdiction over deceased minors with the county coroner.

Requires the coroner, medical examiner, or person acting in that capacity to promptly notify the department of social and health services of any instances in which the coroner, medical examiner, or person acting in that capacity has received notice of a minor's death.

Provides that nothing in this act creates a duty on the part of the department to investigate the circumstances of a child's death or otherwise provide child protective services beyond that required by chapter 26.44 RCW.

Provides that nothing in this act requires the department to keep a record of all minors on which they have received a notice of death. The department shall keep a record only when it is determined that abuse or neglect caused or contributed to the child's death, orwhen the case involves a minor for whom the department has previously had an open child protection or child welfare case.

Authorizes the provision of autopsy reports to the department of social and health services in cases involving the death of any minor where abuse or neglect of the child may have caused or contributed to his or her death or in cases involving any minor for whom the department has an open case or has had an open case in the year preceding the death of the child.

Provides that, if a death investigation is initiated by the department of social and health services, the department may share coroner's or medical examiner's documents with the investigators as part of the investigation process.

#### -- 2003 REGULAR SESSION --

Mar 4 APP - Majority; 2nd substitute bill be substituted, do pass.

Minority; without recommendation.

Mar 5 Passed to Rules Committee for second reading.

HB 1234-S2 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Veloria, McCoy, Conway and Chase)

Establishing an industry cluster-based approach to economic development.

#### (DIGEST OF PROPOSED 2ND SUBSTITUTE)

Finds that: (1) Washington's quality of life, standard of living, and social and economic opportunity all depend on the vitality of the state's economy;

- (2) Economic development tries to reinforce the natural way by which strong foundations in the areas of human resources, capital resources, technology, tax and regulatory, advanced physical infrastructure, information and communication infrastructure, and quality of life strengthen the economy:
- (3) The strength and vitality of the state's economy depends on the competitiveness of the state's industry clusters:
- (4) Industry clusters can become a powerful magnet for businesses to locate in an area and create a spawning ground for start-up companies;
- (5) Industry clusters create large, diverse pools of experienced workers, attract suppliers who tend to congregate in their vicinity for increased efficiency, and foster a competitive spirit that stimulates growth and innovative strategic alliances; and
- (6) The state must first identify and understand the industry clusters before strategies can be developed to enhance their competitive position in the world.

Declares an intent to establish an industry cluster-based approach to economic development as a component of a statewide strategy to address economic growth and quality of life issues

Requires the department of community, trade, and economic development, or its successor agency, to work with industry associations and organizations to identify industry clusters on a regional and statewide basis. The industry clusters may include, but are not limited to, aerospace, agriculture, food processing, forest products, business services, financial services, health and biomedical, software, transportation and distribution, and microelectronics.

#### -- 2003 REGULAR SESSION --

Mar 6 APP - Majority; 2nd substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

HB 1251-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall, Rockefeller and Haigh; by request of Commissioner of Public Lands)

Protecting forest land from exotic forest insects or diseases.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Proposes provisions to protect forest land from exotic forest insects or diseases.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second

Mar 10 Made eligible to be placed on second reading.

HB 1260-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Buck, Hatfield, Sump, Pearson, Kessler, Grant, Blake, Schoesler, Eickmeyer, Kenney and Kristiansen)

Concerning environmental impact statements on certain state trust lands.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that decisions pertaining to the following are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended: (1) Applications for class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050; and

(2) Individual sales of timber from state trust lands, including federally granted trust lands, forest board transfer lands, forest board purchase lands, and community college reserve trust lands, that are harvested under a class I, II, or III forest practices application, if a programmatic detailed environmental impact statement has been finalized for the ten-year sustained yield plan required under chapter 79.68 RCW.

Provides that individual sales of timber from state trust lands, including federally granted trust lands, forest board transfer lands, forest board purchase lands, and community college reserve trust lands, that are harvested under a class I, II, or III forest practices application, are not subject to the requirements of RCW 43.21C.030(2)(c) if a programmatic detailed environmental impact statement has been finalized for the ten-year sustained yield plan required under chapter 79.68 RCW.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.
 Minority; do not pass.
 Passed to Rules Committee for second reading.

HB 1316-S by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris and Anderson)

Declaring the legislature's intent to substantially change and improve the public utility tax system.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to replace a public utility tax system that automatically increases in a percentage equal to an increase in price with a system that the taxpayer controls through consumption.

Declares an intent to replace a public utility tax system that gives a competitive advantage to electricity providers outside the state of Washington with one that creates a more equitable tax base that is competitively fair.

Declares an intent to replace a utility tax system that gives a competitive advantage to some electricity providers inside the state of Washington with one that creates a more equitable tax system that is competitively fair.

#### -- 2003 REGULAR SESSION --

Mar 3 TTE - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 5 Referred to Finance.

HB 1317-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Kirby, Grant, Quall, Shabro, Jarrett, Rockefeller, Hunt, Delvin, Morris and Conway; by request of Governor Locke)

Creating a trust water rights program.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the trust water rights program provides a mechanism to promote conservation and water use efficiency by allowing the establishment of trust water rights on either a temporary or permanent basis, which assists water rights holders in preserving existing water rights and the interests of the public in enhancing instream flows.

Declares that the trust water rights program should provide flexibility to water rights holders by including mechanisms to allow existing water rights holders to temporarily place their water rights into trust without an extensive examination of the extent and validity of that right while ensuring that the extent and validity of rights placed permanently in the trust water rights program have been examined and determined.

Finds that the trust water rights program is an important tool in meeting the state's current and future needs for water, both instream and out-of-stream.

Finds that the existing procedures for establishing trust water rights are unnecessarily complex, and are difficult to explain and administer.

Declares an intent to enhance the effectiveness of the trust water rights program by improving existing incentives, removing disincentives, clarifying and consolidating procedures for establishing trust water rights, and authorizing the creation of water banks.

Repeals RCW 90.42.050.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.

Passed to Rules Committee for second reading.

HB 1411-S by House Committee on Local Government (originally sponsored by Representatives Fromhold, Wallace, Kenney, Moeller, Boldt and Sullivan)

Using revenues under the county conservation futures levy.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon restoration purposes.

Provides that, in counties greater than one hundred thousand in population, the board of county commissioners or county legislative authority shall develop a process to help ensure distribution of the tax levied under RCW 84.34.230, over time, throughout the county.

#### -- 2003 REGULAR SESSION --

Mar 5 LG - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Referred to Finance.

HB 1418-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Quall, Schoesler, Blake, Sump, Morris, Grant, Hatfield, Sehlin, Bailey and Linville)

Regarding construction projects in state waters.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the purposes of this act are to: (1) Clarify the purpose of the fishway and hydraulic project approval requirements of chapter 77.55 RCW as applied to works and projects related to drainage infrastructure including tide gates, flood gates, and pump stations;

- (2) Specify a statutory process for the department of fish and wildlife to follow when imposing conditions on drainage infrastructure for fishways and for hydraulic project approvals on designated agricultural lands;
- (3) Create demonstration projects to assess the effectiveness of self-regulating tide gates in achieving fish passage and to test their impact, if any, on surrounding agricultural lands;
- (4) Prioritize the use of public lands for fish habitat restoration projects; and
- (5) Establish a task force to review issues regarding the implementation of fishway and hydraulic project approval requirements as they relate to designated agricultural lands, analyze the effectiveness of the demonstration projects for fish habitat restoration, and report any legislative recommendations to the legislature.

Provides that, in conjunction with other public landowners, the department shall create a salmon habitat restoration plan for all public lands in Skagit county. The plan shall include a list of public properties that must be restored for salmon, a description of how those properties can be altered to support salmon, a description of costs and sources of funds to restore the property, and a strategy and schedule for prioritizing the restoration of public lands for salmon habitat.

Requires the department to make the Skagit public lands salmon habitat restoration plan a priority and complete it by November 30, 2004.

#### -- 2003 REGULAR SESSION --

Mar 4 AGNR - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 5 Referred to Appropriations.

Mar 8 APP - Executive action taken by committee.

APP - Majority; 2nd substitute bill be substituted, do pass.

by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold and Wallace; by request of Governor Locke)

Changing tuition provisions for institutions of higher education.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that public higher education funding is a shared responsibility between the state, students, and the public colleges and universities. Periodic increases in state funding, state financial aid, and tuition must be authorized to provide quality higher education for the citizens of Washington.

Declares an intent to authorize the governing boards to establish tuition rates for all students other than resident undergraduates.

#### -- 2003 REGULAR SESSION --

Mar 5 HE - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Referred to Appropriations.

HB 1608-S by House Committee on Local Government (originally sponsored by Representatives Upthegrove, Schindler, Berkey, Mielke, Tom, Ericksen, Romero, Jarrett, Edwards, Linville and Anderson)

Concerning the accommodation of housing and employment growth under local comprehensive plans.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that any amendment of or revision to development regulations shall, taken collectively, be consistent with and implement the comprehensive plan, including, but not limited to, accommodation of projected housing and employment growth as adopted in the applicable countywide planning policies and consistent with the most recent twenty-year population forecast by the office of financial management.

#### -- 2003 REGULAR SESSION --

- Mar 4 LG Majority; 1st substitute bill be substituted, do pass.
- Mar 5 Passed to Rules Committee for second reading.

https://doi.org/10.1016/j.com/https:

larifying the definition of "research."

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that "research" means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Activities that meet this definition are research whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

Declares that this definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid

Declares that "research in the jurisdiction of a state agency" means: (1) Research conducted by an employee or a contractor of a state agency;

- (2) Research sponsored by a state agency; or
- (3) Research that involves access to or disclosure of identifiable personal records obtained or maintained by a state agency.

#### -- 2003 REGULAR SESSION --

Mar 4 SG - Majority; 1st substitute bill be substituted, do pass.

Mar 5 Passed to Rules Committee for second reading.

HB 1640-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Hinkle, Grant, Chandler, Eickmeyer and Hankins)

Authorizing water banking within the trust water program.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that water banking within the trust water program can provide an effective means to facilitate the voluntary transfer of water rights established through conservation, purchase, lease, or donation, to preserve water rights and provide water for presently unmet and future needs; and to achieve a variety of water resource management objectives throughout the state, including drought response, improving streamflows on a voluntary basis, providing water mitigation, or reserving water supply for future uses. Water banking can be an important tool for implementing watershed plans under chapter 90.82 RCW because it will allow the efficient management of multiple trust water rights and will facilitate three-party transfers of water rights needed to meet the instream and out-of-stream needs of the watershed or region.

Provides that, under the trust water rights program, the department shall establish a water bank in the Yakima river basin to administer trust water rights.

Provides that the water bank may be established for one or more of the following purposes: (1) To hold trust water rights for mitigation, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor;

- (2) To accept and manage funds to be used to administer the water bank;
- (3) To document transfers of water rights to and from the trust water rights program; and
- (4) To provide a source of water rights that the department can use to transfer to third parties on a temporary or permanent basis for any beneficial uses under chapter 90.03, 90.44, or 90.54 RCW.

Directs the department to seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington state where water banking could assist in providing water supplies for instream and out-of-stream uses. The department shall summarize any comments received on water banking and submit a report, including any recommendations, to the appropriate committees of the legislature for their consideration by December 31, 2004.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 1706-S by House Committee on Higher Education (originally sponsored by Representatives

Mastin and Grant)

Changing the focus of the promise scholarship.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the focus of the promise scholarship.

Declares an intent to include in the Washington promise scholarship program, on a pilot basis, an opportunity for principals to nominate high school graduates who would not otherwise be eligible for a promise scholarship but who have overcome personal or financial barriers and show promise to succeed if given the opportunity to pursue a postsecondary education.

Expires June 30, 2008.

#### -- 2003 REGULAR SESSION --

Mar 5 HE - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Referred to Appropriations.

HB 1707-S by House Committee on Local Government (originally sponsored by Representatives Jarrett, Simpson, Shabro, Sullivan, Moeller, Berkey, Schindler, Linville and Anderson)

Revising environmental review provisions to improve the development approval process and enhance economic development.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this act to establish categorical exemptions from the requirements of chapter 43.21C RCW. exemption adopted under this act applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this act if it meets the following criteria: (1) It categorically exempts government action related to development that is new residential or mixed-use development proposed to fill in an urban growth area designated according to RCW 36.70A.110, where current density and intensity of use in the area is lower than called for in the goals and policies of the applicable comprehensive plan;

(2) It does not exempt government action related to development that would exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan; and

(3) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption.

Provides that rules adopted by the department according to RCW 43.21C.110 regarding project specific impacts that may not have been adequately addressed apply to any determination made under this act. In these situations, in which all adverse environmental impacts will be mitigated below the level of significance as a result of voluntary measures by the proponent and/or regulatory requirements of development regulations adopted under chapter 36.70A RCW or other local, state, or federal laws, a determination of nonsignificance or a mitigated determination of nonsignificance is the proper threshold determination.

#### -- 2003 REGULAR SESSION --

Mar 4 LG - Majority; 1st substitute bill be substituted, do pass.

Mar 5 Passed to Rules Committee for second reading.

HB 1754-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero)

Concerning the slaughter, preparation, and sale of certain poultry.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that rules adopted by the state board of health, the department of health, or a local health jurisdiction, as defined in RCW 43.70.575, regulating food or food service establishments do not apply to the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm. The state board of health, the department of health, or a local health jurisdiction, as defined in RCW 43.70.575, shall not apply such rules directly or indirectly to such an activity or sale.

Declares that this act does not apply to the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm.

Declares that the provisions of chapter 69.07 RCW shall not apply to the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm when: (a) The poultry appears to be healthy, free from disease or injury; (b) all processing facilities, equipment, and utensils are kept in a clean and sanitary condition; (c) personnel working with the product adhere to hygienic practices and are free, or appear to be free, of infectious disease or open lesions; (d) the product is protected from contamination at all times; and (e) the producer registers with the department, keeps a record of purchasers of the product for one year, and makes the records available to the department, upon request, to assist in the trace-back of public health issues.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.
 Minority; do not pass.
 Passed to Rules Committee for second reading.

HB 1755-S by House Committee on Local Government (originally sponsored by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell)

Creating alternative means for annexation of unincorporated islands of territory.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that the legislative body of any county, city, or town planning under chapter 36.70A RCW may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between a county and any city or town within the county. The territory proposed for annexation must meet the following criteria: (1) Be within the city or town urban growth area designated under RCW 36.70A.110; and

(2) At least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing city or town or one or more cities or towns.

Provides that, if the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city or town, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city or town and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in this act.

#### -- 2003 REGULAR SESSION --

Mar 5 LG - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

HB 1803-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Rockefeller, Anderson, Delvin, McDermott, McIntire, Woods and Simpson; by request of Commissioner of Public Lands)

Studying the creation of the legacy trust proposal.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that during the 2003 legislative session, the commissioner of public lands brought forward the idea of the creation of a legacy trust in the form of House Bill No. 1803 and Senate Bill No. 5750. The legacy trust was proposed to serve as a new land trust, managed by the department of natural resources, the revenue from which would be dedicated to supporting recreational access and use on state-owned lands.

Concurs with the commissioner of public lands that the demand for the use and enjoyment of public lands is extensive and growing and that the quality of recreational experiences, safety to the public, upkeep of trails and facilities, and protection of land from ecological impacts may be in jeopardy.

Finds that the ideas brought forward by the commissioner of public lands, as well as other ideas for achieving similar goals, deserves the attention of select legislators in the interim between the 2003 and 2004 legislative sessions.

Establishes a joint select committee on the legacy trust proposal to consider, study, and review the legacy trust proposal brought forward by the commissioner of public lands for establishing a stable, long-term revenue source to support recreational access and use on state-owned lands, and to consider any alternate methods to achieve the same goals.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.Minority; do not pass.

Passed to Rules Committee for second reading.

HB 1840-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom)

Authorizing nonprofit corporations to participate in self-insurance risk pools.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that in order to sustain the financial viability of nonprofit organizations, they should be provided with alternative options for insuring against risks.

Finds that local government entities and nonprofit organizations share the common goal of providing services beneficial to the public interest.

Finds that allowing nonprofit organizations and local government entities to pool risk in self-insurance risk pools may be of mutual benefit for both types of entities. Therefore it is the intent of the legislature to allow nonprofit organizations and local government entities to individually or jointly participate in self-insurance risk pools.

Requires the state risk manager to report to the appropriate policy committees of the legislature by December 1, 2004, regarding the implementation of this act, and the report must include: (1) The number and description of each private, nonprofit transportation provider participating in a self-insurance risk pool with a local governmental entity or entities;

- (2) The impact of the participation of private, nonprofit transportation providers on self-insurance risk pools; and
- (3) The financial soundness of each risk pool that includes private, nonprofit transportation providers.

#### -- 2003 REGULAR SESSION --

- Mar 3 FII Majority; 1st substitute bill be substituted, do pass.
- Mar 5 Passed to Rules Committee for second reading.

HB 1876-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Jarrett, Murray, Schoesler, Conway, Anderson, Kenney, Cairnes, Sommers, McIntire, Dunshee, Haigh, Chase and Tom)

Protecting water quality.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in order to ensure that construction projects involving the use of fill material do not pose a threat to water quality, the department may require that the suitability of potential fill material be evaluated using a leaching test included in the soil clean-up rules adopted by the department under chapter 70.105D RCW in any water quality certification issued under section 401 of the federal clean water act and in any administrative order issued under chapter 90.48 RCW, where such certification or

administrative order authorizes the placement of fill material, some or all of which will be placed in waters of the state. Any such requirement imposed by the department in a water quality certification or administrative order issued prior to the effective date of this act is ratified and approved by the legislature as a valid and reliable method for determining concentrations of chemical constituents that can be present in fill material without posing an unacceptable risk of violating water quality standards, and shall be in effect as imposed by the department for all work not completed by June 1, 2003.

Requires the department to identify the leaching tests utilized for evaluating the potential impacts to water quality in situations where fill material is imported. The tests may include those identified in the soil clean-up rules adopted by the department under chapter 70.105D RCW. Within existing resources, the department shall assess whether this list of leaching tests provides appropriate methods for analyzing water quality impacts for all types of projects and in all circumstances where fill material is imported. The department shall also identify any gaps in leaching test methodology. The department shall report both the leaching test list and the list of test methodology gaps to the appropriate committees of the legislature by December 31, 2003.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.
 Minority; do not pass.
 Passed to Rules Committee for second reading.

HB 1888-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville and Schoesler; by request of Department of Ecology)

Changing the public notification requirements with respect to wastewater discharge permits.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that upon receipt by the department of an application, it shall immediately send notice thereof containing pertinent information to appropriate state agencies. The department shall also provide public notice of and an opportunity for public comment on proposed or draft permits or permit denials.

Requires the department to provide public notice in a manner reasonably calculated to give actual notice to the persons potentially affected by the proposed discharge and the department's actions with respect to the proposed discharge.

Specifies that methods of providing notice may include electronic mail, posting on the department's internet site, publication in newspapers, press releases, mailings, and other information media the department may determine is appropriate. When the department determines that publication in a newspaper of general circulation within the county in which the disposal of waste material is proposed to be made is the most appropriate means of providing public notice, the department shall include notification in the newspaper.

#### -- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

HB 1909-S by House Committee on Higher Education (originally sponsored by Representatives Jarrett, Kenney, Cox, Fromhold, Chase, Berkey, Pearson, McCoy, Gombosky, Lantz, Clements, Talcott, Buck, Rockefeller, Pflug, Moeller, Priest, Edwards and Santos)

Creating a pilot project for competency-based transfer in higher education.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in collaboration with the higher education coordinating board, the pilot project participants shall report to the higher education committees of the legislature by December 1, 2005, on the progress and status of the pilot project. The report shall identify any barriers encountered by the project and make recommendations for next steps in developing a competency-based transfer system for higher education.

Expires June 30, 2006.

#### -- 2003 REGULAR SESSION --

Mar 5 HE - Majority; 1st substitute bill be substituted, do pass.

Referred to Appropriations.

Mar 8 APP - Executive action taken by committee.

APP - Majority; do pass 1st substitute bill

proposed by Higher Education.

HB 1944-S by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Campbell, Kenney, Conway, Wood, Upthegrove, Flannigan, McCoy, Cooper, Berkey, Simpson, Hunt, Romero, Veloria, Dunshee, Cody and Edwards)

Requiring notice of mass layoffs.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that an employer may not order a mass layoff, relocation, or termination at a covered establishment unless, sixty days before the order takes effect, the employer gives written notice of the order to the following: (1) The employees of the covered establishment affected by the order:

- (2) The employment security department, the local workforce development council, and the chief elected official of each city and county government within which the termination, relocation, or mass layoff occurs; and
- (3) The legislature through the offices of the chief clerk of the house of representatives and the secretary of the senate.

Provides that an employer is not required to comply with the notice requirement contained in this act if the department determines that all of the following conditions exist: (1) As of the time that notice would have been required, the employer was actively seeking capital or business:

- (2) The capital or business sought, if obtained, would have enabled the employer to avoid or postpone the relocation or termination; and
- (3) The employer reasonably and in good faith believed that giving the notice required by this act would have

precluded the employer from obtaining the needed capital or business.

Provides that an employer who fails to give notice as required by this act before ordering a mass layoff, relocation, or termination is liable to each employee entitled to notice who lost his or her employment for: (1) The value of wages at the average regular rate of compensation received by the employee during the last three years of his or her employment, or the employee's final rate of compensation, whichever is higher; and

(2) The value of any benefits to which the employee would have been entitled had his or her employment not been lost, including, but not limited to: (a) The value of any pension, profit sharing, stock bonus, stock purchase, and stock option plans; and (b) the cost of any medical expenses incurred by the employee that would have been covered under an employee benefit plan.

Provides that an employer who fails to give notice as required by this act is subject to a civil penalty of not more than ten dollars per employee entitled to notice for each day of the employer's violation. The employer is not subject to a civil penalty under this section, however, if the employer pays to all applicable employees the amounts for which the employer is liable under this act within three weeks from the date the employer orders the mass layoff, relocation, or termination.

Requires any civil penalties collected to be paid into the unemployment trust fund.

#### -- 2003 REGULAR SESSION --

Mar 5 CL - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

HB 1957-S by House Committee on Local Government (originally sponsored by Representative Moeller)

Removing concurrency requirements under the growth management act.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Deletes concurrency requirements under the growth management act.

Provides that the transportation concurrency requirements under this act do not apply when standards in the transportation element of the comprehensive plan are not met because of the failure of a state intersection or corridor to support level of service requirements and the state does not provide funding to address the deficiencies.

#### -- 2003 REGULAR SESSION --

Mar 5 LG - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

HB 1989-S by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke)

Changing the learning assistance program.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Makes revisions to the learning assistance program. Repeals provisions of chapter 28A.165.

#### -- 2003 REGULAR SESSION --

Mar 5 ED - Majority; 1st substitute bill be substituted, do pass.

Referred to Appropriations.

HB 2007-S by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Nixon, Ruderman, Bush, Dickerson and Hudgins)

Prohibiting unsolicited commercial text messages.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Recognizes that the number of unsolicited commercial text messages sent to cellular telephones and pagers is increasing. This practice is raising serious concerns on the part of cellular telephone and pager subscribers. These unsolicited messages often result in costs to the cellular telephone and pager subscribers in that they pay for use when a message is received through their devices. The limited memory of these devices can be exhausted by unwanted text messages resulting in the inability to receive necessary and expected messages.

Declares an intent to limit the practice of sending unsolicited commercial text messages to cellular telephone or pager numbers in Washington.

Declares that no person conducting business in the state may initiate or assist in the transmission of an electronic commercial text message to a telephone number assigned to a Washington resident for cellular telephone or pager service that is equipped with short message capability or any similar capability allowing the transmission of text messages.

Declares that it is not a violation of this act if: (1) The commercial electronic text message is transmitted at the direction of a person offering cellular telephone or pager service to the person's existing subscriber at no cost to the subscriber unless the subscriber has indicated that he or she is not willing to receive further commercial text messages from the person; or

(2) The unsolicited commercial electronic text message is transmitted by a person to a subscriber and the subscriber has clearly and affirmatively consented in advance to receive these text messages.

Declares that no person offering cellular or pager service may be held liable for serving merely as an intermediary between the sender and the recipient of a commercial electronic text message sent in violation of this act unless the person is assisting in the transmission of the commercial electronic text message.

#### -- 2003 REGULAR SESSION --

- Mar 3 TTE Majority; 1st substitute bill be substituted, do pass.
- Mar 5 Passed to Rules Committee for second reading.
- Mar 10 Made eligible to be placed on second reading.

HB 2011-S by House Committee on Health Care (originally sponsored by Representatives

Schual-Berke, Campbell, Cody, Morrell, Benson, Edwards and Chase)

Establishing requirements for state agency contracts with pharmaceutical benefit management companies.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that any contract between the administrator or any other agency administering a state purchased health care program and a pharmacy benefit management company must include the following provisions: (1) Disclosure of any agreements between the pharmacy benefit management company and a pharmaceutical manufacturer, its contractors, or an affiliate of a pharmaceutical manufacturer related to the use of that pharmaceutical manufacturer's products. Agreements to be disclosed include but are not limited to: (a) Agreements for the submission of data to pharmaceutical manufacturers or their contractors and any remuneration received from the manufacturer for supplying the data; (b) Rebate agreements or contracts with pharmaceutical manufacturers related to use of that manufacturer's products or the use of another manufacturer's products; (c) Payments by a drug manufacturer to the pharmacy benefits management company for switching consumer purchases to a drug produced or distributed by that pharmaceutical manufacturer; and (d) Any other payment to the pharmacy benefit management company by a pharmaceutical manufacturer or its contractors; and

(2) An affirmative statement that the pharmacy benefits management company will be capable of administering, and agree to abide by the terms of, any preferred drug list developed for use by state purchased health care programs.

#### -- 2003 REGULAR SESSION --

Mar 4 HC - Majority; 1st substitute bill be substituted, do pass.

Minority; without recommendation.

Mar 5 Passed to Rules Committee for second reading.

HB 2012-S by House Committee on Education (originally sponsored by Representatives Fromhold, Cox, Kenney, Hunter, Quall, Moeller, Chase and Santos)

Creating a special services pilot program.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Creates the special services pilot program. The purpose of the program is to encourage participating school districts to provide early intensive reading and language assistance to students who are struggling academically. The goal of such assistance is to effectively address reading and language difficulties resulting in a substantially greater proportion of students meeting the progressively increasing performance standards for both the aggregate and disaggregated subgroups under federal law.

Provides that a maximum of two school districts may participate. Interested districts shall apply no later than May 15, 2003, to the superintendent of public instruction to participate in the pilot program established by this act. The superintendent shall make a decision no later than June 15, 2003, regarding which two school districts may participate in the program.

Declares that the pilot program is intended to be six years, to begin in the 2003-04 school year and conclude in

the 2008-09 school year, unless the program is extended by the legislature.

Provides that school districts participating in the pilot program shall receive state special education funding in accordance with state special education funding formulas and a separate pilot program appropriation from sources other than special education funds equal to the district's special education funding for its average percentage enrollment in the 2001-02 and 2002-03 school years minus the district's annual actual funding for special education.

Provides that, by December 15, 2007, the superintendent of public instruction shall submit a report to the governor and legislature that summarizes the effectiveness of the pilot program. The report shall also include a recommendation as to whether or not the pilot program should be continued, expanded, or otherwise modified.

Expires June 30, 2010.

#### -- 2003 REGULAR SESSION --

Mar 5 ED - Majority; 1st substitute bill be substituted, do pass.

Referred to Appropriations.

Mar 8 APP - Executive action taken by committee.

APP - Majority; 2nd substitute bill be substituted, do pass.

HB 2025-S by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Haigh, Hatfield, Darneille, Lovick, O'Brien, Romero and Blake)

Revising provisions for detaining persons with mental illness.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a person detained and taken into custody under this act by a county designated mental health professional or a peace officer shall not be charged with assault if physically resisting under diminished capacity conditions and at least one of the following conditions is present: (1) Proper and adequate crisis intervention training for detaining a person with mental illness was not provided to the detaining person;

- (2) No permanent bodily harm was done to the detaining person;
- (3) The detainee was psychotic at the time he or she was taken into custody;
  - (4) The detainee was acting in a defensive manner; or
  - (5) The detainee was not armed.

#### -- 2003 REGULAR SESSION --

Mar 5 CJC - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.

HB 2040-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Santos and Benson; by request of Insurance Commissioner)

Establishing liability for taxes on unlawful or delinquent insurers or taxpayers.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes liability for taxes on unlawful or delinquent insurers or taxpayers.

#### -- 2003 REGULAR SESSION --

Mar 5 FII - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

HB 2046-S by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lantz, Kirby, O'Brien, Moeller and Santos)

Providing for law enforcement powers for interfering with a dog guide or service animal.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that it is the duty of all peace officers and law enforcement agencies within this state to respond to, investigate, and enforce all violations of this act.

#### -- 2003 REGULAR SESSION --

Mar 5 CJC - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Conway, Berkey, Upthegrove, Moeller, Wood and Schual-Berke)

Requiring a statewide strategic plan for higher education.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Directs the board to develop a statewide strategic plan for higher education in Washington state that proposes a vision, goals, priorities, and specific strategies for maintaining and expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

Provides that, in developing the statewide strategic plan, the board shall collaborate with the four-year institutions of higher education, the community and technical college system, and, when appropriate, the work force training and education coordinating board, the superintendent of public instruction, and the independent higher education institutions. The board shall also seek input from students, community and business leaders in the state, members of the legislature, and the governor.

Provides that as a foundation for the statewide strategic plan, the board shall develop and establish role and mission statements for each of the four-year institutions of higher education and the community and technical college system.

Establishes a joint select committee to review options pertaining to the higher education coordinating board.

Declares that the joint select committee shall: (1) Define legislative expectations and provide policy direction for the statewide strategic plan under this act;

(2) Make recommendations for ensuring the coordination of higher education capital and operating budgets with the goals and priorities in the statewide strategic plan;

(3) Examine opportunities to update the roles and responsibilities of the higher education coordinating board, including alternatives for administration of financial aid and other programs; review of institution budget requests; approval of off-campus programs, centers, and consortia; and collection and analysis of data.

Requires the joint select committee to report its findings and recommendations to the legislature by January 2, 2004.

#### -- 2003 REGULAR SESSION --

Mar 5 HE - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 2089-S by House Committee on Higher Education (originally sponsored by Representatives McCoy, Wallace, Morrell, Kenney and Miloscia)

Changing veterans' tuition waiver provisions.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for the following persons: (1) An eligible veteran or national guard member;

- (2) A child and the spouse of an eligible veteran or national guard member who became totally disabled as defined in RCW 28B.15.385 while engaged in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action;
- (3) A child and the surviving spouse of an eligible veteran or national guard member who lost his or her life while engaged in active federal military or naval service. However, upon remarriage, the surviving spouse of an eligible veteran or national guard member is ineligible for a waiver under this act.

Repeals RCW 28B.10.265, 28B.15.620, 28B.15.625, 28B.15.628, and 28B.15.629.

#### -- 2003 REGULAR SESSION --

Mar 5 HE - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

HB 2090-S by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, Sump and Orcutt)

Prohibiting interference with search and rescue dogs.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Prohibits interference with search and rescue dogs. Designates penalties for violations of the act.

#### -- 2003 REGULAR SESSION --

Mar 5 CJC - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 2094-S by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern)

Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in a criminal action brought by reason of a person having been detained on or in the immediate vicinity of the premises of an outdoor music venue or related campground for the purpose of pursuing an investigation or questioning by a law enforcement officer as to the lawfulness of the consumption or possession of alcohol or drugs, it is a defense to the action that the person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, and that a peace officer, owner, operator, employee, or agent of the outdoor music venue had reasonable grounds to believe that the person so detained was committing or attempting to unlawfully consume or possess alcohol or drugs on the premises.

Provides that, in a civil action brought by reason of a person having been detained on or in the immediate vicinity of the premises of an outdoor music venue or related campground for the purpose of investigation or questioning as to the lawfulness of the consumption or possession of alcohol or drugs, it is a defense to the action that the person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, and that a peace officer, owner, operator, employee, or agent of the outdoor music venue had reasonable grounds to believe that the person so detained was committing or attempting to unlawfully consume or possess alcohol or drugs on the premises.

#### -- 2003 REGULAR SESSION --

Mar 5 CJC - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 2105-S by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi and Darneille)

Ordering a study of the effect of sentencing structure on prison overcrowding.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires the Washington institute for public policy, in consultation with the sentencing guidelines commission, the caseload forecast council, and stakeholders, to study the relationship between: (1) Prison overcrowding; and

(2) The current state criminal sentencing structure and sentencing ranges.

Requires the institute to determine whether any changes could be made to the current state sentencing structure and

sentencing ranges to reduce prison overcrowding giving great weight to the primary purposes of the criminal justice system. For purposes of this act, the primary purposes of the criminal justice system are to: (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;

- (2) Make frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities;
- (3) Promote respect for the law by providing punishment that is just;
- (4) Be commensurate with the punishment imposed on others committing similar offenses;
  - (5) Protect the public;
- (6) Offer offenders an opportunity to improve themselves; and
- (7) Reduce the risk of reoffending by offenders in the community.

Directs the institute to report its findings to the governor and the appropriate standing committees of the legislature no later than January 1, 2004.

#### -- 2003 REGULAR SESSION --

Mar 5 CJC - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Pulos Committee for second

Passed to Rules Committee for second reading.

HB 2111-S by House Committee on Higher Education (originally sponsored by Representatives Priest, Jarrett and Cox)

Exploring opportunities to create performance contracts between the state and institutions of higher education.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the intent to combine institutional flexibility and authority to make decisions at the local level with accountability for achieving statewide goals and objectives has never been fully achieved, in part because there has not been an operating mechanism through which to implement this relationship.

Declares an intent to explore opportunities to create performance contracts between the state and public institutions of higher education. It is the intent of the legislature that such a contract would constitute a negotiated agreement between the state and an institution, where the state's primary interest would lie not in the management and operations of an institution, but in the institution's contribution to achieving agreed-upon statewide goals and objectives for higher education.

Creates a task force on higher education performance contracts.

Requires the task force to: (1) Examine the experience of other states in developing and implementing performance contracts with institutions of higher education;

- (2) Consider the feasibility of implementing performance contracts in Washington;
- (3) Identify whether amendments to current laws may be necessary to implement performance contracts; and
- (4) Develop guidelines and possible models for performance contracts.

#### -- 2003 REGULAR SESSION --

Mar 5 HE - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 2118-S by House Committee on Commerce & Labor (originally sponsored by Representatives Newhouse and Sullivan)

Authorizing approved microbrewers to sell beer at farmers markets.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes approved microbrewers to sell beer at farmers markets.

#### -- 2003 REGULAR SESSION --

Mar 5 CL - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 2124-S by House Committee on Education (originally sponsored by Representatives Quall, Talcott, McDermott, Tom, Haigh, Cox, Rockefeller, Hunter, Santos, Edwards and Anderson)

Regarding high school graduation requirements.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to high school graduation requirements.

#### -- 2003 REGULAR SESSION --

Mar 4 ED - Majority; 1st substitute bill be substituted, do pass.

Minority; without recommendation.

Mar 5 Referred to Appropriations.

Mar 8 APP - Executive action taken by committee.

APP - Majority; 2nd substitute bill be substituted, do pass.

HB 2130-S by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Delvin, Sullivan, Chandler, Wallace and Anderson)

Reducing the duplication of electric facilities.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, where two or more electric utilities, as defined in RCW 19.29A.010(12), operate within a contiguous or overlapping geographic area, a city, town, or county legislative authority may require an agreement between the electric utilities to discourage and reduce the duplication of transmission lines and other appurtenances and to carry out the policy in RCW 54.48.020.

Requires the agreement to be filed with the city, town, or county that requires the agreement and the city, town, or county must approve the agreement by adopting an ordinance.

#### -- 2003 REGULAR SESSION --

Mar 4 TTE - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 5 Passed to Rules Committee for second reading.

HB 2132-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kenney, Schual-Berke, Santos and McDermott)

Securing public building or construction contracts.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that RCW 48.30.270 does not apply to projects in excess of one hundred million dollars for counties with a population over one million, for projects administered for public hospitals. For the purposes of this act, "projects" means a capital construction project in which any public agency, public authority, or public corporation has one construction contract with a contractor that is in excess of one hundred million dollars. Combining two or more construction contracts in order to exceed the one hundred million dollar threshold for projects is specifically prohibited.

#### -- 2003 REGULAR SESSION --

Mar 5 FII - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

HB 2147-S by House Committee on Education (originally sponsored by Representatives McDermott, Upthegrove, Cox, Quall and Rockefeller)

Protecting preschool and elementary school students assisting in school kitchens.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, by January 12, 2004, the superintendent of public instruction, in consultation with the Washington state school directors' association, parents, representatives of food service employee groups, principals, and other interested parties, shall develop a model policy for protecting children in preschool through sixth grade who assist in elementary school kitchens. The policy must: (1) Include a permission slip to be signed and returned to the appropriate food service management;

(2) Limit exposure to hazardous equipment using guidelines no less stringent than standards adopted for minors under state and federal law;

(3) Include age-appropriate safety guidelines that are consistent with state and federal safety guidelines and standards for physical activities that include, but need not be limited to, lifting, pushing, or moving crates, carts, or other heavy equipment;

(4) Require that any injury requiring medical attention to a preschool through sixth grade student who is injured while working in an elementary school kitchen be reported to the office of the superintendent of public instruction; and (5) Include age-appropriate training.

#### -- 2003 REGULAR SESSION --

Mar 5 ED - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

HB 2164-S by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Kenney)

Creating a manufacturing advisory partnership to provide recommendations for improving the manufacturing sector.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Directs the manufacturing advisory partnership to study and make findings and recommendations related to the following aspects of Washington's manufacturing sector: (1) The work force education and training needs of the manufacturing sector;

- (2) The use of manufacturing skill standards to enhance work force development and human resources practices;
- (3) The activities necessary to develop regionally strategic industry clusters; and

(4) Other issues identified by the partnership.

Requires the manufacturing advisory partnership to report its findings and recommendations to the commerce and labor committee of the house of representatives and the commerce and trade committee of the senate by December 1 of each year.

#### -- 2003 REGULAR SESSION --

Mar 4 CL - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 5 Referred to Appropriations.

Mar 8 APP - Executive action taken by committee.

APP - Majority; do pass 1st substitute bill proposed by Commerce & Labor.

Minority; do not pass.

HB 2202-S by House Committee on Commerce & Labor (originally sponsored by Representatives McDonald and Conway)

Providing for cosmetology apprenticeships.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes provisions for cosmetology apprenticeships.

#### -- 2003 REGULAR SESSION --

- Mar 4 CL Majority; 1st substitute bill be substituted, do pass.
- Mar 5 Passed to Rules Committee for second reading.
- Mar 10 Made eligible to be placed on second reading.

#### **HB 2215** by Representatives Murray and Simpson

Allowing car dealers to charge documentary service fees.

Provides that an amount not to exceed thirty-five dollars per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this act or any other provisions of state law.

#### -- 2003 REGULAR SESSION --

Mar 10 First reading, referred to Transportation.

#### **HB 2216** by Representative Pettigrew

Providing short-term cash assistance to homeless persons.

Directs the secretary of the department of social and health services to create a program for homeless persons for the purpose of short-term cash assistance intended to enable homeless persons to obtain housing and employment. In creating the program, the department shall consult with: (1) Homeless persons in the state; and

(2) The legislature.

Provides that the program created by the secretary pursuant to this act shall provide a monthly benefit of three hundred dollars per month per person for each eligible homeless person.

Provides that the act shall be null and void if appropriations are not approved.

#### -- 2003 REGULAR SESSION --

Mar 10 First reading, referred to Children & Family Services.

#### **Senate Bills**

SB 5121-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Rossi, Benton, Carlson, Zarelli, T. Sheldon, Deccio, Esser, Hale, Hewitt, Johnson, Schmidt, Honeyford, Morton, Sheahan, Mulliken and Oke)

Opening high-occupancy vehicle lanes during nonpeak hours.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides for the opening of high-occupancy vehicle lanes during nonpeak hours.

Provides that, under RCW 46.61.165 and 47.52.025, exclusive use of freeway high-occupancy vehicle lanes must be restricted solely to the hours of 6:00 a.m. through 9:00 a.m. and 3:00 p.m. through 6:00 p.m. Monday through Friday, excluding state holidays, on the following facilities: (1) Interstate 405;

- (2) State route number 167;
- (3) Interstate 90 east of Interstate 405;
- (4) State route number 520 east of Interstate 405.

Declares the following facilities are exempt from this act: (1) High-occupancy direct access ramps;

- (2) High-occupancy vehicle freeway queue bypasses;
  - (3) High-occupancy vehicle ramp meter bypasses.

#### -- 2003 REGULAR SESSION --

HT - Majority; 1st substitute bill be Mar 6 substituted, do pass. Minority; do not pass.

Passed to Rules Committee for second Mar 7 reading.

SB 5135-S2 by Senate Committee on Ways & Means (originally sponsored by Senators Carlson, Kohl-Welles, West, Horn, Schmidt and Rossi)

Creating tuition surcharges.

#### (DIGEST OF PROPOSED 2ND SUBSTITUTE)

Adds provisions relating to increased tuition fees for excess credits taken at institutions of higher education.

#### -- 2003 REGULAR SESSION --

Mar 10 WM - Majority; 2nd substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

SB 5162-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Rasmussen, Horn, Kastama, Esser, Kohl-Welles and Oke)

Modifying eligibility to provide special need transportation services.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises eligibility to provide special need transportation services.

#### -- 2003 REGULAR SESSION --

Mar 6 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 7 Passed to Rules Committee for second reading.

**SB 5228-S** by Senate Committee on Commerce & Trade (originally sponsored by Senators Regala, Winsley, Rasmussen, Schmidt, Haugen, Kastama and Franklin)

Selling or leasing contaminated property.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that if the property found by the local health official to be unfit for use is: (1) A vehicle that is titled under chapter 46.12 RCW, a copy of the order shall be submitted by the local health official to the department of licensing; or

(2) A mobile home or manufactured home as defined in RCW 46.04.302, a copy of the order shall be submitted by the local health official to the department of licensing.

Provides that, when a local health official notifies the department that the official has found a vehicle titled under this chapter, or a mobile home as defined in RCW 46.04.302, to be unfit for use under RCW 64.44.030, the department shall make a notation on the record, if one exists, maintained by the department for that vehicle or mobile home. The notation must indicate that the vehicle has been found to be unfit for use due to chemical contamination.

Authorizes the department to issue to a registered owner, legal owner, purchaser, or lessee a unique certificate of ownership and certificate of license registration, as required by chapter 46.16 RCW when the department receives: (1) An application for a certificate of ownership;

(2) A certified copy of a release for reuse document, as

provided under RCW 64.44.050(3); and

(3) The original certificate of ownership or an affidavit of lost title from a registered owner, legal owner, purchaser, or lessee. Each certificate of ownership associated with a vehicle issued after receipt of a release for reuse document must conspicuously display across its front the following words: "Decontaminated/Reusable." Each certificate of registration associated with the vehicle must include a notation to the same effect.

#### -- 2003 REGULAR SESSION --

CT - Majority; 1st substitute bill be Mar 5 substituted, do pass.

Passed to Rules Committee for second reading.

Made eligible to be placed on second Mar 7 reading.

SB 5289-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Jacobsen, Oke and Fraser)

Adopting a watershed monitoring plan and action strategy.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares it is the purpose of this act to adopt the monitoring strategy and action plan referenced in this act and to charge the salmon recovery funding board with the ongoing responsibility to implement the strategy and action plan in cooperation with state agencies with monitoring responsibilities.

Directs the salmon recovery funding board to provide coordination among and oversight of state agencies in the implementation of the comprehensive statewide watershed health monitoring strategy and action plan developed under the authority of chapter 298, Laws of 2001.

#### -- 2003 REGULAR SESSION --

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass. And refer to Ways & Means. Referred to Ways & Means.

SB 5295-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Kline and Schmidt)

Imposing a fee on studded tires.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, beginning July 1, 2003, a fee of fifteen dollars per tire is levied on the sale of each studded tire and lightweight studded tire, regardless of the wholesale or retail value of the studded tire.

Requires the buyer of the tire to pay the fee to the seller, and each seller shall collect from the buyer the full amount of the fee. The seller shall send the amount of fees collected from the buyer by the seller to the department of revenue, acting in a custodial capacity, for deposit in the motor vehicle fund.

Declares that RCW 82.32.045 applies to the fees imposed by this act. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the fees imposed by this act.

#### -- 2003 REGULAR SESSION --

Mar 6 HT - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 7 Passed to Rules Committee for second reading.

SB 5298-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Doumit; by request of Commissioner of Public Lands)

Defining a "small forest landowner" for the purposes of chapter 76.09 RCW.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that chapter 4, Laws of 1999 sp. sess. strongly encouraged the forest practices board to adopt administrative rules that were substantially similar to the recommendations presented to the legislature in the form of the forests and fish report. In the time since the enactment of chapter 4, Laws of 1999 sp. sess., it has become clear that both the planning aspect and the implementation aspect of the road maintenance and abandonment plan requirement may cause an unforeseen and unintended disproportionate financial hardship on small forest landowners.

#### -- 2003 REGULAR SESSION --

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.

SB 5337-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen and Rasmussen; by request of Office of Financial Management)

Revising the agency council on coordinated transportation.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the agency council coordinated transportation.

Repeals RCW 47.06B.020, 47.06B.030, 47.06B.040, and 47.06B.900.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.
Passed to Rules Committee for second

Mar 10 reading. SB 5400-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Swecker)

Creating a geoduck aquaculture research project.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, by January 1, 2004, the department and the department of fish and wildlife shall initiate an agreement with the geoduck harvesters association for an initial term of ten years, with the option of an additional term of ten years, for implementation of a joint research project in coordination with federally recognized treaty tribes to examine the geoduck aquaculture industry in the state of Washington. The agreement and the research project may be terminated if any party fails to perform.

Directs the department to provide the use of stateowned aquatic lands for the geoduck aquaculture research project and shall determine jointly with the association the project design. The association shall provide geoduck clam seed, materials, and labor. A jointly agreed upon percentage of revenue from harvest of geoduck clams in the course of the project must be paid to the department.

Provides that, at the end of the first year of the geoduck aquaculture research project and each year thereafter, the department shall provide a progress report on the project to the standing legislative committees with jurisdiction. The second report and all subsequent reports must include an assessment of geoduck aquaculture, its impact on the aquatic ecosystem, and recommendations regarding continuation or expansion of the research project. Each report must include the perspective of the association.

#### -- 2003 REGULAR SESSION --

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass. And refer to Ways & Means. Referred to Ways & Means.

**SB 5466-S** by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, Reardon and Finkbeiner)

Regulating stem cell research and human cloning.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares it is the policy of Washington state that research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation, is permitted upon full consideration of the ethical and medical implications of this

Requires a physician, surgeon, or other health care provider delivering fertility treatment to provide his or her patient with timely, relevant, and appropriate information to allow the individual to make an informed and voluntary choice regarding the disposition of any human embryos remaining following the fertility treatment. The information must include the option of storing unused embryos, donating unused embryos to another individual, discarding unused embryos, or donating unused embryos for research.

Declares that a patient who chooses to donate unused embryos for research after a consultation shall provide written consent.

Provides that a person may donate human embryonic tissue or human cadaveric fetal tissue for research purposes. Provides that a person may not knowingly, for valuable consideration, purchase or sell human embryonic tissue or human cadaveric fetal tissue for research purposes. A person who violates this provision is guilty of a felony and upon conviction is subject to a fine not to exceed fifty thousand dollars or imprisonment not to exceed five years, or both.

Provides that no person may knowingly engage or assist in the cloning or attempted cloning of a human being.

Declares that the attorney general may bring an action to enjoin any person from violating this provision.

Declares that any person who violates this provision is subject to a civil penalty not to exceed one million dollars for each violation.

Declares that nothing in this act shall be construed to restrict areas of biomedical, agricultural, and scientific research not specifically prohibited by this provision, including somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues.

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5499-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Oke, Haugen, Horn and Winsley; by request of Department of Transportation)

Transferring accident data processing to the department of transportation.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Transfers accident data processing to the department of transportation.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5533-S by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Carlson, Keiser, Rasmussen and Kline)

Establishing provisions for disclosure of sexual misconduct by applicants for school district employment.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts.

Provides that, before hiring an applicant, a school district shall request the applicant to sign a statement authorizing the applicant's current employer, or, if the applicant is not currently employed by a school district, the applicant's immediately previous employer, to disclose to the hiring school district sexual misconduct, if any, by the

applicant and making available to the hiring school district copies of all documents in the applicant's personnel record maintained by that employer relating to that sexual misconduct.

Provides that, by September 1, 2003, the state board of education has the authority to and shall adopt rules defining "sexual misconduct" as used in this act for application to all classified and certificated employees. The definition of sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the misconduct occurred and that the misconduct resulted in the employee's leaving his or her position at the school district.

#### -- 2003 REGULAR SESSION --

Mar 5 EDU - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 7 Made eligible to be placed on second reading.

SB 5562-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio and Thibaudeau; by request of Department of Social and Health Services)

Revising the provision for increasing the direct care component rate allocation for residents with exceptional care needs.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the provision for increasing the direct care component rate allocation for residents with exceptional care needs.

Increases the expiration date to June 30, 2005.

#### -- 2003 REGULAR SESSION --

Feb 21 HEA - Majority; 1st substitute bill be substituted, do pass.

Feb 24 Passed to Rules Committee for second reading.

SB 5600-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Schmidt, Kohl-Welles, Esser, Finkbeiner, Rossi, Horn and Winsley)

Regulating disposition of returned license plates.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes the department to, upon request, provide license plates that have been used and subsequently returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per plate to cover costs of recovery, postage, and handling. The department may waive the fee for plates used in educational projects, and may, by rule, provide standards for the fee waiver and restrictions on the number of plates provided to any one person.

#### -- 2003 REGULAR SESSION --

Mar 6 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 7 Passed to Rules Committee for second reading.

SB 5643-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Haugen, Horn, Brandland, Prentice, Swecker and Reardon)

Implementing digitally printed license plates.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Directs the department to implement a flat, digitally printed license plate system that must be used to manufacture all license plates issued under chapter 46.16 RCW. This system must be in place and operational by January 1, 2004, and the system must be used to produce all license plates issued by the department by no later than December 31, 2004.

Declares that, in providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the license plate technology account created under this act until such time as the financing necessary to implement a digital license plate system has been paid in full. After the financing has been paid in full, the revenue collected under this act shall be deposited into the multimodal transportation account.

Authorizes the department to offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services.

Provides that the act shall be null and void if appropriations are not approved.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5645-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Swecker, Doumit, Finkbeiner, Morton, Prentice, Johnson, Schmidt, Honeyford and Haugen)

Creating a process to implement the federal permit requirements for municipal separate storm sewer system permits.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to: (1) Provide direction to the department of ecology and to municipalities regarding the development and implementation of phase two of the federal

clean water act's national pollutant discharge elimination system permit program in Washington;

- (2) Recognize the eastern Washington stakeholder process for developing a storm water manual and direct the department of ecology to work within that process when implementing the phase two program in eastern Washington; and
- (3) Establish a stakeholder process to assist the department of ecology in identifying and addressing issues related to developing and implementing the federal national pollutant discharge elimination system permit programs in western Washington and to advise and assist the department as it drafts these permits.

Provides that in accordance with federal and state law, permits for municipal separate storm sewer systems shall require the development, implementation, and enforcement of storm water management programs designed to reduce the discharge of pollutants to the maximum extent practicable to satisfy the requirements of the federal clean water act

Requires the department to establish a permit development advisory group for western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems.

Requires the department to develop a municipal separate storm water system permit or permits that address the issues and needs of municipalities operating these systems in eastern Washington. The department shall use the advisory group it has established in eastern Washington to develop a storm water management manual to advise and assist the department regarding permits for municipal separate storm sewer systems to be issued in eastern Washington.

Directs the department to submit a report regarding the recommendations of the western Washington permit development advisory group and the eastern Washington advisory group.

#### -- 2003 REGULAR SESSION --

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5694-S2 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen)

Creating a pilot project to develop an integrated environmental permit system.

#### (DIGEST OF PROPOSED 2ND SUBSTITUTE)

Finds that the public, as well as permit applicants, agencies, and affected parties, will benefit from an environmental review and permitting system that integrates and makes easily accessible the requirements and documentation for agency decision making, facilitating timely and effective participation in the process.

Provides that, by December 1, 2005, the office of permit assistance shall develop a guidance document for creating a unified project decision support document for state and federal agencies and local governments that will be sufficient to support all regulatory decision making.

Provides that, by December 1, 2005, the office of permit assistance shall develop a guidance document for creating a unified project decision support document for state and federal agencies and local governments that will be sufficient to support all regulatory decision making.

Provides that, the office shall, in consultation with the department of transportation and the transportation permit efficiency and accountability committee, test and, as necessary, revise and add to the "unified permit binder" currently being developed by the department of transportation to provide a standardized outline, checklists, and templates for preparation of a single master support document for all regulatory decision making concerning a project.

Provides that, by December 1, 2005, the office shall develop recommendations for an integrated permit system to integrate project design, environmental review, permitting, and mitigation; develop recommendations for legislative changes to statutory authorizations and administrative procedures needed to establish the system; and develop detailed recommendations for full-scale testing of the system through one or more pilot projects.

#### -- 2003 REGULAR SESSION --

Mar 10 WM - Majority; 2nd substitute bill be substituted, do pass.

Passed to Rules Committee for second

reading.

SB 5733-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles)

Improving fairness and protection in boarding homes and adult family homes.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes provisions to improve fairness and protection in boarding homes and adult family homes.

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.
 Passed to Rules Committee for second reading.

SB 5797-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette and Brandland)

Requiring the department of social and health services to inspect adult family homes at least every twenty-four months.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that homes licensed by the department shall be inspected at least every eighteen months, subject to available funds. However, an adult family home may be allowed to continue without inspection for two years if the adult family home had no inspection citations for the past three consecutive inspections.

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5851-S by Senate Committee on Education (originally sponsored by Senators Reardon, Johnson, Morton, Parlette, Schmidt and Shin)

Changing provisions regarding school district superintendents' employment contracts.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in addition to any other contract terms and conditions agreed upon between the parties, a contract for the employment of a superintendent shall include the following language: "This contract may be terminated if, by a unanimous affirmative vote of all members of the school district board of directors, the board finds that the superintendent has engaged in intentional conduct that creates the appearance of impropriety and the inability, or apparent inability, to perform his or her duties in a fair and impartial manner."

Provides that, if a school district board of directors determines by an affirmative unanimous vote that the superintendent has engaged in intentional conduct described in this act, the board is prohibited from negotiating a severance agreement with the superintendent.

Provides that the total dollar amount of any termination or severance agreement in contract or otherwise shall be limited to no more than one-half the remaining salary otherwise payable under the contract. All termination or severance agreements in contract or otherwise shall be considered a public record and subject to public disclosure under chapter 42.17 RCW.

#### -- 2003 REGULAR SESSION --

Mar 5 EDU - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass 1st substitute.

Passed to Rules Committee for second reading.

SB 5854-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Mulliken, Haugen, Horn and Kline)

Excluding power wheelchairs from motor vehicle regulation.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Excludes power wheelchairs from motor vehicle regulation.

Declares that no driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

Defines "pedestrian" as any person afoot or who is using a wheelchair, power wheelchair as defined in this act, or a means of conveyance propelled by human power other than a bicycle.

#### -- 2003 REGULAR SESSION --

Mar 6 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 7 Passed to Rules Committee for second reading.

SB 5859-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Benton)

Creating the crime of mineral trespass.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that a person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder or person conducting the mining operation: (1) Interferes with a lawful mining operation or stops, or causes to be stopped, a lawful mining operation;

- (2) Enters a mining claim posted as required in chapter 78.08 RCW and disturbs, removes, or attempts to remove any mineral from the claim site;
- (3) Tampers with or disturbs a flume, rocker box, bedrock sluice, sluice box, dredge, quartz mill, or other mining equipment at a posted mining claim; or
- (4) Defaces a location stake, side post, corner post, landmark, monument, or posted written notice within a posted mining claim.

Provides that mineral trespass is a class C felony.

#### -- 2003 REGULAR SESSION --

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5868-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Brown, West, Sheahan and Kohl-Welles)

Releasing driving abstracts of prospective volunteers.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes release to a volunteer organization for which the named individual has submitted an application for a position that could require the transportation of children under eighteen years of age, adults over sixty-five years of age, or physically or mentally disabled persons.

#### -- 2003 REGULAR SESSION --

Mar 6 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 7 Passed to Rules Committee for second reading.

Made eligible to be placed on second reading.

SB 5873-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Parlette, Prentice and Thibaudeau)

Regarding the administration and management of services to developmentally disabled individuals.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, by December 1, 2003, the department of social and health services shall report to the legislature on the costs associated with providing a consolidated and unified management information system that will allow for informed authorization of services, efficient and consistent eligibility determinations, complete and consistent plans of care, thorough coordination of services, and uniform application of program policies on behalf of clients with developmental disabilities.

Recognizes that developmental disabilities advocates have invaluable insights into the needs of vulnerable people. The department of social and health services shall consider their views when deciding on priority populations in the allocation of services.

Requires the department to report back to the legislature by December 1, 2003, on categories of priority populations and the range of services that may be available to different priority populations. The report shall include a process for maintaining information on individuals in nonpriority status.

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 7 Made eligible to be placed on second reading.

SB 5912-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Mulliken, Haugen, Sheahan, Horn, Parlette, Rasmussen and Spanel)

Creating the Produce Railcar Pool.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to authorize and direct the Washington department of transportation to develop a railcar program for Washington's perishable commodity industries to be known as the Washington Produce Railcar Pool. This railcar program should be modeled from the Washington Grain Train program, but be made flexible enough to work with entities outside state government in order to fulfill its mission, including, but not limited to, the federal and local governments, commodity commissions, and private entities.

#### -- 2003 REGULAR SESSION --

Mar 6 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 7 Passed to Rules Committee for second reading.

SB 5938-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner and Esser)

Updating financial responsibility laws for vessels.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the current financial responsibility laws for vessels are in need of update and revision.

Declares an intent that, whenever possible, the standards set for Washington state provide the highest level of protection consistent with other western states and to ultimately achieve a more uniform system of financial responsibility on the Pacific Coast.

Revises financial responsibility laws for vessels.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5941-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Swecker, Haugen, Horn, Oke and Shin)

Studying the Washington commerce corridor.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that: (1) The Washington commerce corridor will be an alternative route to Interstate 5 that facilitates the movement of freight, goods, people, and utilities.

- (2) The Washington commerce corridor will be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor must provide to the extent possible the following accommodations: (a) Ability to carry long haul freight; (b) Ability to provide for passenger auto travel; (c) Freight rail; (d) Passenger rail; (e) Public utilities; and (f) Other ancillary facilities as may be desired to maximize use of the corridor.
- (3) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums. The department may solicit proposals from private companies and enter into agreements with selected companies, if authorized by the legislative transportation committee.

(4) The Washington commerce corridor is subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.

Provides that, by December 1, 2004, the department shall submit the study findings on the conceptual corridor proposal to the legislative transportation committee. The legislative transportation committee shall recommend to the legislature whether the department shall seek proposals from private companies to develop the corridor. The recommendation must include proposed legislation that sets forth the framework for the agreements that the department may enter into for the project. If the legislature does not enact legislation authorizing a solicitation of proposals, the department shall not pursue further investigation of the commerce corridor.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5942-S by Senate Committee on Commerce & Trade (originally sponsored by Senators Reardon, Hewitt, Prentice and Honeyford)

Concerning licensing requirements for elevator mechanics and contractors.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to licensing requirements for elevator mechanics and contractors.

#### -- 2003 REGULAR SESSION --

Mar 5 CT - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5947-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Swecker, Thibaudeau, Brandland and Franklin; by request of Lieutenant Governor)

Concerning medical use of marijuana.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Creates a task force to review the implementation of chapter 2, Laws of 1999.

Directs the task force to review the history of the implementation of chapter 2, Laws of 1999, to determine if further statutory or administrative clarification is needed. In its review, the task force shall examine issues of patient and physician utilization rates and concerns, prosecution and law enforcement difficulties and needs, relevant case law changes, statutory and administrative barriers to full implementation of the act, and any concerns raised by the applicable federal statutes. The task force shall make appropriate findings and recommendations, but is not required to produce a formal report.

Requests the attorney general to file, in the federal district court for the district of western Washington, a motion for declaratory judgment for the purpose of determining what advice physicians may provide patients regarding the use of medicinal marijuana under Washington state laws, consistent with the federal uniform controlled substances act as determined by the case of *Conant v. Walters*, 309 F.3rd 629 (9th Cir. 2002).

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5953-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Esser, Horn, Stevens, Rossi and Honeyford)

Penalizing disruption of traffic by pedestrians.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that pedestrians may not intentionally impede, or otherwise disrupt, the flow of traffic on a highway that has been designated, in whole or in part, as a highway of statewide significance.

Makes a violation of this provision a gross misdemeanor punishable under RCW 9A.20.021.

Declares that nothing in this act prohibits the filing, at any time, of a cause of action for damages resulting from the disruption of traffic caused by a pedestrian or pedestrians.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5957-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland)

Establishing a system of standards and procedures concerning water quality data.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that: (1) Proper collection and review of credible water quality data is necessary to ensure compliance with the requirements of the federal clean water act;

- (2) Developing and implementing water quality protection measures based only on credible water quality data ensures that the financial resources of state and local governments and regulated entities are prioritized to address our state's most important water quality issues; and
- (3) The state currently lacks standards relating to the collection of water quality data even though the collection and analysis of that data provides the basis for water quality protection efforts and can have significant regulatory and financial impacts.

Declares an intent to establish a system of standards and procedures to ensure that only credible water quality data is used as the basis for specific state water quality programs.

#### -- 2003 REGULAR SESSION --

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
On motion, referred to Ways & Means.

SB 5961-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen and Finkbeiner)

Specifying penalties for aircraft registration violations.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a failure to register an aircraft, as required by this act, is subject to a civil penalty of one hundred dollars per aircraft for the first violation. Subsequent violations in the same year are subject to the following civil penalties: (1) For the second violation, a civil penalty of two hundred dollars per aircraft;

(2) For the third and subsequent violations, a civil penalty of four hundred dollars per aircraft.

Provides that, in addition to the provisions in this act, failure to register as a pilot, airman, or airwoman, as required by this act, is subject to a civil penalty of four times the fees that are due.

Requires the revenue from penalties prescribed in this act to be deposited into the aeronautics account under RCW 82.42.090. The revenue from other penalties prescribed in this act must be deposited into the aircraft search and rescue, safety, and education account under RCW 47.68.236.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5966-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio and Winsley)

Increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds and declares that access to dental care is severely hampered by a critical and emergent shortage of dental providers in Washington state. Dental disease is an epidemic among poor children, the elderly, the disabled, and anyone who does not have access to adequate dental care.

Finds that the lack of qualified dentists and dental hygienists poses a serious and compelling threat to the oral health of the people of this state.

Declares that shortages are also due to licensing restrictions that have discouraged qualified dentists and dental hygienists from coming into this state. Increasing the number of dentists from other states and from military service would enable retiring dentists in this state to sell their practices to other qualified practitioners.

Provides that an applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the applicant is a graduate of a dental college, school, or dental department of an institution approved by the commission under RCW 18.32.040(1).

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 7 Made eligible to be placed on second reading.

SB 5974-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Benton, Haugen, Horn and Oke)

Exercising sound business practices to enhance revenues for Washington State Ferries.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Encourages sound business practices to enhance revenues for Washington State Ferries.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5976-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Stevens)

Exempting adult day care services from certain regulations.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Exempts adult day care services from certain regulations.

Exempts adult day care homes which are regular private family abodes in which the home owner is the resident manager and primary care giver, and provides care to no more than five adults during the day and does not provide overnight care, which means that clients may not receive care for longer than twelve hours a day.

#### -- 2003 REGULAR SESSION --

Mar 5 HEA - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5986-S by Senate Committee on Highways & Transportation (originally sponsored by Senator West)

Allowing narrow vehicles to drive side by side in one lane.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that an "ultranarrow vehicle" means a vehicle having a maximum width of forty-two inches from mirror to mirror.

Declares that all motorcycles and ultranarrow vehicles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle or ultranarrow vehicle of the full use of a lane.

Provides that the operator of a motorcycle or ultranarrow vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

Provides that no person shall operate a motorcycle or ultranarrow vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

Declares that motorcycles and ultranarrow vehicles may be operated up to two abreast in a single lane.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 10 Passed to Rules Committee for second reading.

SB 5987-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Swecker, Haugen, Horn, Jacobsen, Prentice, Esser, Oke and Rasmussen)

Delineating the roles and responsibilities of transportation agencies.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Designates the roles and responsibilities of transportation agencies.

Repeals RCW 47.08.010, 44.40.070, and 44.40.080.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Mar 10 Passed to Rules Committee for second reading.

SB 6001-S by Senate Committee on Highways & Transportation (originally sponsored by Senator Benton)

Legalizing a motor vehicle, travel trailer, and boat trailer combination.

#### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes a combination consisting of a motor vehicle weighing more than four thousand pounds unladen, a travel trailer, and a trailer designed for hauling a boat, snowmobiles, or nonhighway vehicles as defined in RCW 46.09.020. The vehicles in combination must not exceed sixty-five feet in length and must have a braking capacity in excess of the gross weight of the combination and rear to front progressive braking. The trailers must be connected by hitches designed and attached in such a manner to be capable of towing the gross weight of the trailers in tow.

Requires a person operating this combination to have an endorsement issued by the department, under rules adopted by the department, permitting operation of this combination. The department shall permit testing of applicants for this endorsement by a third party testing program in accordance with RCW 46.25.060. The department shall charge a fee of twenty-five dollars for the endorsement.

#### -- 2003 REGULAR SESSION --

Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 10 Passed to Rules Committee for second reading.

SB 6028 by Senators Brandland, Spanel and Rasmussen

Modifying the business and occupation taxation of manufacturing flax seed into flax oil.

Revises the business and occupation taxation of manufacturing flax seed into flax oil.

#### -- 2003 REGULAR SESSION --

Mar 10 First reading, referred to Ways & Means.

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