



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Edition No. 1 Supplement No. 1\*

FIFTY-EIGHTH LEGISLATURE

Monday, January 12, 2004

1st Day - 2004 Regular

## SENATE

SB 6103	SB 6122	SB 6141
SB 6104	SB 6123	SB 6142
SB 6105	SB 6124	SB 6143
SB 6106	SB 6125	SB 6144
SB 6107	SB 6126	SCR 8417
SB 6108	SB 6127	
SB 6109	SB 6128	
SB 6110	SB 6129	
SB 6111	SB 6130	
SB 6112	SB 6131	
SB 6113	SB 6132	
SB 6114	SB 6133	
SB 6115	SB 6134	
SB 6116	SB 6135	
SB 6117	SB 6136	
SB 6118	SB 6137	
SB 6119	SB 6138	
SB 6120	SB 6139	
SB 6121	SB 6140	

## HOUSE

HB 2298	HB 2317	HB 2336	HB 2355
HB 2299	HB 2318	HB 2337	HB 2356
HB 2300	HB 2319	HB 2338	HB 2357
HB 2301	HB 2320	HB 2339	HB 2358
HB 2302	HB 2321	HB 2340	HB 2359
HB 2303	HB 2322	HB 2341	HB 2360
HB 2304	HB 2323	HB 2342	HB 2361
HB 2305	HB 2324	HB 2343	HB 2362
HB 2306	HB 2325	HB 2344	HB 2363
HB 2307	HB 2326	HB 2345	HB 2364
HB 2308	HB 2327	HB 2346	HB 2365
HB 2309	HB 2328	HB 2347	HB 2366
HB 2310	HB 2329	HB 2348	HB 2367
HB 2311	HB 2330	HB 2349	HB 2368
HB 2312	HB 2331	HB 2350	HB 2369
HB 2313	HB 2332	HB 2351	HJM 4030
HB 2314	HB 2333	HB 2352	HJM 4031
HB 2315	HB 2334	HB 2353	
HB 2316	HB 2335	HB 2354	

## LIST OF BILLS IN EDITION NO. 1 SUPPLEMENTS

### SENATE

### HOUSE

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**House Bills**


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**HB 2298** by Representatives Linville and Schoesler;  
by request of Department of Agriculture

Preventing the spread of animal diseases.

Declares that the director may issue a quarantine order and enforce the quarantine of any animal or its reproductive products when any animal or its reproductive products are affected with or have been exposed to disease or when there is reasonable cause to investigate whether any animal or its reproductive products are affected with or have been exposed to disease, either within or outside the state.

Provides that overt disease or exposure to disease in any animal or its reproductive products need not be immediately obvious for a quarantine order to be issued or enforced.

Declares that the director has the authority to enter the animal premises of any animal owner at any reasonable time to conduct tests, examinations, or inspections for disease conditions when there is reasonable cause to investigate whether animals on the premises or that have been on the premises are infected with or have been exposed to a reportable disease.

Provides that if the director is denied access to the animal premises or the animals for purposes of conducting tests, inspections, or examinations or the animal owner fails to comply with an order of the director, the director may apply to a court of competent jurisdiction for an administrative search warrant. The warrant may authorize access to any animal or animal premises for purposes of conducting tests, inspections, or examinations of any animal or animal premises, or taking samples, and may authorize seizure or destruction of property. The warrant shall be issued upon probable cause.

Declares it is sufficient probable cause to show a potential threat to the agricultural interests of this state or a potential threat which seriously endangers animals, human health, the environment, or public welfare.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2299** by Representatives Linville and Schoesler;  
by request of Department of Agriculture

Establishing a system of animal identification.

Provides that the director may adopt rules to establish a system of animal identification to support the agriculture industry in meeting federal requirements. The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such a system and to promote consistency of regulation.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2300** by Representatives Linville and Schoesler;  
by request of Department of Agriculture

Applying pesticides.

Establishes provisions relating to the application of pesticides.

Takes effect January 1, 2005.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2301** by Representatives Linville and Schoesler;  
by request of Department of Agriculture

Including severability clauses in commodity commission statutes.

Includes severability clauses in commodity commission statutes.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2302** by Representatives O'Brien, Upthegrove,  
McCoy, Darneille and Lovick

Restricting beach driving.

Declares that, except as provided in RCW 79A.05.655 and 79A.05.660, all ocean beaches are reserved for pedestrian use.

Provides that, notwithstanding RCW 79A.05.650, recreation management plans may make provision for vehicular traffic on areas otherwise reserved for pedestrian use in order to: (1) Provide for removal of wood debris under RCW 4.24.210 and 79A.05.035(5); and

(2) Accommodate removal of sand located upland from the Seashore Conservation Area or removal of sand within the Seashore Conservation Area under the terms of a covenant, easement, or deed.

Repeals RCW 79A.05.693.

Takes effect July 1, 2004.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2303** by Representatives O'Brien, Mielke,  
Upthegrove, Pearson, McCoy, Lovick and  
Clements

Regulating vehicle immobilization.

Provides that a person may not engage or offer to engage in the activity of immobilizing vehicles without a current registration certificate from the department authorizing the person to engage in those activities. A person engaging in or offering to engage in the activity of immobilizing vehicles without the registration certificate required by this act is guilty of a gross misdemeanor.

Provides that, before issuing a registration certificate to an applicant, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state.

Provides that, before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of: (1) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(2) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle is immobilized until it is redeemed or impounded.

Declares that cancellation of or failure to maintain the insurance required by this act automatically cancels the operator's registration.

Provides that it is unlawful for a person to remove or cause to be removed a part from a vehicle to immobilize the

vehicle in order to secure payment for a delinquent parking fee or charge, and it is unlawful to restrict the movement of or immobilize a vehicle parked or stored in a public or private garage or parking lot in any manner except as provided for in this act.

Provides that, when immobilizing a vehicle, registered vehicle immobilizers, or their agents, employees, or contractors, must affix conspicuously to the immobilized vehicle a written notice stating the name and address of the person or business who immobilized the vehicle and the address and telephone number of the person authorized and available to release the vehicle.

Declares that the immobilized vehicle must be released immediately after tender of payment of the posted parking charges due and unpaid at the time of the request for release, together with the posted immobilization fee.

Provides that any person seeking to redeem an immobilized vehicle under this act has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was immobilized to contest the validity of the immobilization or the amount of immobilization charges.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2304** by Representatives McMahan, Lantz, Carrell, McDonald, Orcutt, Bush, Newhouse, Clements, Nixon, Ahern, Talcott, Mielke, Flannigan, Boldt and Hinkle

Revising voyeurism laws.

Revises voyeurism laws.

Provides that a person who distributes, disseminates, or otherwise discloses any photograph, motion picture film, digital image, videotape, or any other recording that the person knows was made or acquired in violation of RCW 9A.44.115 is guilty of a class C felony.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2305** by Representatives McMahan, Crouse, Boldt and Hinkle

Concerning the licensing of cosmetologists and others under chapter 18.16 RCW.

Revises provisions relating to cosmetology, barbering, manicuring, and esthetics.

Requires the department of licensing to: (1) Within ninety days after the effective date of this act, notify each licensee under chapter 18.16 RCW and each person holding a cosmetology license as of June 30, 1999, of the provisions of this act by mailing a notice as specified to the licensee's last known mailing address;

(2) Include in the notice required by this act: (a) A summary of this act, including a summary of the requirements for renewing and obtaining additional licenses;

(b) A telephone number within the department for obtaining further information;

(c) The department's internet address; and

(d) On the outside of the notice, a facsimile of the state seal, the department's return address, and the words "Notice of Legislative Changes -- Cosmetology, Barbering, Manicuring, and Esthetics Licensing Information Enclosed" in conspicuous bold face type.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2306** by Representatives McMahan and Boldt

Changing the membership of the Washington citizens' commission on salaries.

Revises the membership of the Washington citizens' commission on salaries.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2307** by Representatives Schoesler, Linville, Sump and Cox

Concerning appointment to a water conservancy board.

Declares that the purpose of this act is to ensure that counties have a sufficient portion of their citizenry eligible to serve as commissioners of water conservancy boards to enable the appointing legislative authorities to fill positions on the boards in both urban and rural counties.

Provides that, for the purposes determining a person's eligibility to be appointed as a commissioner under this act, a person is not considered to be a water right holder: (1) By virtue of the person's receiving water from a municipal water supplier as defined in RCW 90.03.015, or

(2) If the only water right held by the person is a right to the type of residential use of water that is exempted from permit requirements by RCW 90.44.050 and that right is for water from a well located in a county with a population that is not greater than one hundred fifty thousand people.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2308** by Representative Schoesler

Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills.

Requires the department to, as part of the minimum functional standards for solid waste handling required under RCW 70.95.060, develop specific criteria for the types of solid wastes that are allowed to be received by an inert waste landfill.

Provides that the criteria for inert waste developed under this act must, at a minimum, contain a list of substances that an inert waste landfill located in a county with fewer than forty-five thousand residents is permitted to receive if it was operational before February 10, 2003, and is located at a site with a five-year annual rainfall of twenty-five inches or less.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2309** by Representatives Carrell, Mielke, Kirby, Boldt, McDonald, Nixon, Pearson, Cox, Shabro and Priest

Transporting residents of secure community transition facilities.

Requires that, when a resident leaves a secure community transition facility for appointments, employment, or other approved activities, the department shall develop a

transportation route plan for the location of each activity. Each plan must contain the designated elements.

Provides that a resident may not leave a secure community transition facility for appointments, employment, or other approved activities without a transportation route plan developed under this act.

Directs the department to provide law enforcement agencies in the counties and cities in which the resident will participate in appointments, employment, or other approved activities, or through which the resident is regularly transported, with a copy of all applicable transportation route plans developed under this act no later than forty-eight hours before the resident leaves the secure community transition facility.

-- 2004 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 2310** by Representatives Carrell, Lantz, Mielke, Boldt, Nixon, Pearson, Campbell, Kirby, Cox, Schindler, Shabro and Priest

Changing provisions relating to temporary emergency concealed pistol licenses.

Declares that "good cause" for a temporary emergency license includes, but is not limited to, when the applicant: (1) Has obtained a valid no-contact order, antiharassment order, or protection order restraining another person from molesting or disturbing the applicant or excluding another person from going onto the grounds of or entering the home, workplace, or school of the applicant; and

(2) Has sworn by affidavit that it is not unlawful for the applicant to possess a firearm under chapter 9.41 RCW.

Provides that a temporary emergency license issued on the basis of a no-contact order, antiharassment order, or protection order becomes invalid either upon the revocation or termination of the no-contact order, antiharassment order, or protection order or upon the denial of the concealed pistol license, whichever occurs sooner.

Provides that a person who knowingly presents a false affidavit for a temporary emergency license or makes a false statement on an application for a temporary emergency license, is guilty of false swearing under RCW 9A.72.040.

-- 2004 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 2311** by Representatives Carrell, Mielke, Boldt, Nixon, McDonald and Pearson

Ensuring victims the right to express their view concerning a plea agreement.

Provides that victims, or their representatives, in aggravated first degree murder cases have the right to be notified when a plea agreement is to be presented to the court and to express their views on the plea agreement to the court prior to the court accepting or rejecting the plea agreement. The court shall consider the views of the victim or the victim's representative in deciding whether to accept or reject the negotiated plea agreement.

-- 2004 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 2312** by Representatives Carrell, Mielke, Boldt and Nixon

Clarifying victims' rights regarding plea agreements.

Declares that victims or their representatives have the right to be notified of any potential plea agreement and to express their views on any proposed plea agreements prior to a plea agreement being reached between the prosecutor and the defendant. The prosecutor shall consider the views of the victim or the victim's representative in deciding whether to negotiate or conclude a plea agreement with a defendant.

Provides that victims or their representatives have the right to be notified when a plea agreement is to be presented to the court and to express their views on the plea agreement to the court prior to the court accepting or rejecting the plea agreement. The court shall consider the views of the victim or the victim's representative in deciding whether to accept or reject the negotiated plea agreement.

-- 2004 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 2313** by Representatives Carrell, Boldt and Mielke

Regulating bail bond recovery agents.

Recognizes that bail bond agents and bail bond recovery agents serve a necessary and important purpose in the criminal justice system by locating, apprehending, and surrendering fugitives.

Recognizes that locating, apprehending, and surrendering fugitives requires special skills and knowledge; that bail bond recovery agents are often required to perform their duties under stressful and demanding conditions; and that it serves the public interest to have qualified people performing such essential functions. The legislature does not intend by this act to restrict or limit in any way the powers of bail bond recovery agents as recognized in and derived from the United States Supreme Court case of *Taylor v. Taintor*, 16 Wall. 366 (1872).

Declares that a person may not perform the functions of a bail bond recovery agent unless the person is certified by the department under chapter 18.185 RCW.

Provides that, before a bail bond recovery agent may apprehend a person subject to a bail bond in a planned forced entry, the bail bond recovery agent must notify an appropriate law enforcement agency in the local jurisdiction in which the apprehension is expected to occur.

Provides that, after December 31, 2005, a person is guilty of a gross misdemeanor if: (1) The person performs the functions of a bail bond recovery agent without first obtaining a certificate from the department and entering into a contract with a licensee as required by chapter 18.185 RCW; or, in the case of a bail bond recovery agent from another state, the person performs the functions of a bail bond recovery agent without operating under the direct supervision of a certified bail bond recovery agent as required by this chapter; or

(2) The person conducts a planned forced entry without first complying with the requirements of this chapter.

-- 2004 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 2314** by Representatives Carrell, Boldt, Mielke, Pearson and Priest

Concerning nonparent visitation rights.

Affirms that parents have a paramount right to raise their minor children, including a fundamental right to

provide the care, guidance, and discipline necessary to prepare their children for a productive, fulfilling life.

Recognizes that ensuring this paramount right of parents is in the best interest of the families and minor children of the state of Washington.

Recognizes that in certain circumstances a minor child's interest in maintaining strong emotional bonds that the child has developed with others and relies upon should be considered. The legislature intends to establish consistent and rigorous standards that must be met for a nonparent to obtain visitation with a minor child.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2315** by Representative Carrell

Prohibiting plea bargains in multiple capital murder cases.

Declares that a plea bargain is not allowed in any capital murder case where a defendant has, or is alleged to have, with a premeditated intent to cause the death of another person, caused the death of such person or of a third person, and there was more than one victim.

Requires that, upon conviction in multiple capital murder cases, prosecutors shall seek the maximum penalty available under the law.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2316** by Representatives Carrell, Kirby, Boldt, Priest, Cox, McDonald, Shabro, Schindler and

Protecting personal information about judicial, law enforcement, and corrections officers from public disclosure.

Protects personal information about a judicial officer, law enforcement officer, or corrections officer, or the officer's immediate family, or any other information, that is necessary for the effective operation of an officer's agency or office and could easily lead to the discovery of the officer's or the officer's immediate family's residential address or residential telephone number.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2317** by Representative Orcutt

Increasing the amount of the small business business and occupation tax credit.

Increases the amount of the small business business and occupation tax credit for a reporting period from thirty-five to fifty dollars.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2318** by Representative Orcutt

Concerning the verification of a landowner as a small forest landowner.

Provides that, when establishing a forest riparian easement program applicant's status as a qualifying small forest landowner pursuant to RCW 76.13.120, the

department shall not review the applicant's timber harvest records, or any other tax-related documents, on file with the department of revenue. The department of revenue may confirm or deny an applicant's status as a small forest landowner on the request of the department; however, the department of revenue may not disclose more information than whether or not the applicant has reported a harvest or harvests totaling greater than or less than the qualifying thresholds established in RCW 76.13.120.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 2319** by Representatives Wallace, Armstrong, Murray, Campbell, Wood, Jarrett, Morrell, Lovick, Cooper and Sullivan

Regulating traffic signal preemption devices.

Declares that: (1) It is unlawful for any person, other than the owner or operator of an authorized emergency vehicle or a municipal transit vehicle, to sell, own, or use a traffic control signal preemption device.

(2) Violation of this act is a gross misdemeanor.

**-- 2004 REGULAR SESSION --**

Dec 24 Prefiled for introduction.

**HB 2320** by Representatives Linville, Schoesler, Sump and Grant; by request of Commissioner of Public Lands

Creating a wetland mitigation program.

Finds that establishing mitigation banks on state-owned aquatic lands and securing funding for permanent management of compensatory mitigation sites and mitigation bank sites will improve the environmental success of compensatory mitigation through appropriate site selection, long-term management, and consolidation of multiple small mitigation sites into larger, comprehensive mitigation sites.

**-- 2004 REGULAR SESSION --**

Dec 24 Prefiled for introduction.

**HB 2321** by Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of Commissioner of Public Lands

Clarifying the definitions of certain natural resources terms.

Provides for the clarification of certain definitions in Title 79 RCW and related public land statutes.

**-- 2004 REGULAR SESSION --**

Dec 24 Prefiled for introduction.

**HB 2322** by Representative McDonald

Requiring prehire screening for law enforcement applicants.

Declares that the minimum standards must include, but not be limited to, the requirement that county, city, and state agencies administer psychological examinations and polygraph tests to persons applying for law enforcement personnel positions, including part-time positions and positions for reserve officers, with the county, city, or state agency.

Requires that, before a person may be appointed to act as a Washington state patrol officer, the person shall meet

the minimum standards for employment with the Washington state patrol, including successful completion of a psychological examination and polygraph examination administered by the chief or his or her designee.

**-- 2004 REGULAR SESSION --**

Dec 24 Prefiled for introduction.

**HB 2323** by Representatives Shabro, McDonald, Roach and Bush

Authorizing sales and use tax exemption cards for low-income persons.

Provides that an eligible person is entitled to an annual sales and use tax exemption of four hundred fifty dollars per year. This exemption is available only through the use of a sales tax exemption card provided under this act. A sales tax exemption card issued under this act may be used only for exemption of taxes imposed under RCW 82.08.020, and chapters 82.12 and 82.14 RCW. An unused portion of an annual exemption amount expires at the end of the year for which it is provided, and may not be refunded or carried forward to subsequent years.

Provides that, as used in this act, "eligible person" means a resident of this state who has a combined disposable income, as defined in RCW 84.36.383, that is less than one hundred fifty percent of the federal poverty level as adjusted for household size and determined annually by the federal department of health and human services.

**-- 2004 REGULAR SESSION --**

Dec 30 Prefiled for introduction.

**HB 2324** by Representatives Shabro, McDonald, Roach and Bush

Increasing penalties for driving or physical control while under the influence.

Increases penalties for driving or physical control while under the influence of intoxicating liquor or any drug.

**-- 2004 REGULAR SESSION --**

Dec 30 Prefiled for introduction.

**HB 2325** by Representatives Wood and Condotta

Modifying the prohibited practices of collection agencies.  
Revises the prohibited practices of collection agencies.

**-- 2004 REGULAR SESSION --**

Dec 30 Prefiled for introduction.

**HB 2326** by Representatives Campbell and Cody

Streamlining the health care disciplinary process.

Finds that the uniform disciplinary act provides a uniform process for addressing acts of unprofessional conduct affecting fifty-seven health professions regulated by the state.

Finds that it is necessary to further streamline the disciplinary process and ensure more equitable case dispositions among health care providers. An efficient division of responsibilities between the secretary of health with authority over preliminary complaint investigations and charging decisions reserved to the health professionals

sitting on the boards and commissions as the final authority on case dispositions.

Declares that the creation of statutorily mandated sanctions for certain acts of unprofessional conduct will ensure a fair and uniform disposition of the most severe cases that threaten the public. These measures will ensure that investigations and charging decisions are free of any potential conflicts of interest and that sanctions are uniform across professional lines.

**-- 2004 REGULAR SESSION --**

Dec 31 Prefiled for introduction.

**HB 2327** by Representative Cody

Providing for individual health insurance.

Directs counties, municipalities, and other political subdivisions to assist disabled employees and retired employees in applying for health insurance coverage through an individual health benefit plan. Assistance may include developing and distributing standardized information on the availability and cost of individual health benefit plans, application packages, and health benefit fairs.

Directs the office of the insurance commissioner, in cooperation with carriers licensed to offer individual health benefit plans, to develop and distribute to counties, municipalities, and political subdivisions the following information: (1) Standardized information on the availability and cost of individual health benefit plans;

(2) Application procedures for individual health benefit plans; and

(3) Assistance in organizing health benefit fairs for their disabled or retired employees.

Repeals RCW 41.04.212 and 2002 c 319 s 3; 2002 c 319 s 1 (uncodified); 2002 c 319 s 4; and 2002 c 319 s 5 (uncodified).

**-- 2004 REGULAR SESSION --**

Dec 31 Prefiled for introduction.

**HB 2328** by Representative Dickerson

Changing provisions relating to registration of sex and kidnapping offenders who are students.

Revises provisions relating to registration of sex and kidnapping offenders who are students.

**-- 2004 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 2329** by Representative Dickerson

Revising provisions relating to mental health treatment for minors.

Revises provisions relating to mental health treatment for minors.

**-- 2004 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 2330** by Representative Roach

Providing for attorneys' fees.

Provides that in any action in a court of record in Washington other than actions under Title 26 RCW, the prevailing or substantially prevailing party is entitled to his

or her costs and disbursements, including reasonable attorneys' fees. The court shall determine and award the amount of reasonable attorneys' fees and costs under chapter 4.84 RCW.

**-- 2004 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 2331** by Representative Roach

Assuring payment of traffic fines.

Provides that if a person is not able to pay a monetary penalty in full, the court shall enter into a payment plan with the person. "Payment plan," as used in this act, means a plan that requires a person to pay an initial payment of not less than five percent of the total owed, followed by reasonable payments in an amount established by the court.

Provides that if a person has not entered into a payment plan with the court and has not paid the penalty in full on or before the time established for payment, the court shall notify the department of the delinquency, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid, or until the person has entered into a payment plan under this act and has paid the initial payment.

Provides that, if a community service program for offenders is available in the jurisdiction, the court shall offer to convert all or part of the monetary penalties due under this act to community service if the person is unable to make reasonable time payments.

**-- 2004 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 2332** by Representative Sullivan

Creating the investing in innovation account.

Creates the investing in innovation account in the custody of the state treasurer. Expenditures from the account may be used only for grants awarded by the center and for the center's costs in administering the grant award program. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account.

Provides that money from this account may not be used for administrative costs incurred by the department of community, trade, and economic development. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**-- 2004 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 2333** by Representative Hudgins

Concerning energy efficiency and renewable energy standards.

Establishes provisions concerning energy efficiency and renewable energy standards.

Provides that, on or before June 1, 2007, each electric utility and market customer must demonstrate progress in meeting the efficiency and renewable standards in this act. Investor-owned utilities will report to the commission, and consumer-owned utilities and market customers will report to the department.

Provides that on or before June 1, 2010, and annually thereafter, each electric utility and market customer must

demonstrate compliance with the efficiency and renewable standards in this act, for the annual period ending the previous December 31st. Each investor-owned utility will demonstrate compliance to its customers in published form and to the commission which will share this information with the department. Each consumer-owned utility will demonstrate compliance to its customers in published form, to its governing body, and to the department. Each market customer will demonstrate compliance to the department.

Requires each report to the commission or the department to include at least the following: The amount of electricity generated or acquired from each eligible renewable resource; the amount of renewable energy credits acquired, sold, or traded; the annual retail load for an electric utility or the annual electricity consumption data for a market customer; and the amount of conservation annually acquired, including the amount of low-income energy efficiency services provided, the amount of high-efficiency cogeneration used to meet the standard, and the amount of conservation savings from the northwest energy efficiency alliance used to meet the standard.

Requires that, on or before December 1, 2010, and biennially thereafter, the department and commission shall submit a report to the legislature on the accomplishments of the efficiency and renewable standards created in this act, including unachieved cost-effective conservation opportunities, and make recommendations for revisions to the standards. The commission may initiate rule-making proceedings based on the results of these reports to modify requirements imposed on investor-owned utilities.

Requires that, on or before January 1, 2016, the department shall review and recommend to the legislature continuation or modification of the efficiency and renewable standards based on assessments of the effectiveness of the standards, market conditions, and unachieved opportunities.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 2334** by Representative Schual-Berke

Authorizing a special keep kids safe license plate.

Directs the department, the Washington state patrol, and the Washington state council for the prevention of child abuse and neglect to work cooperatively to create and design a special keep kids safe license plate for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Provides that, effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special keep kids safe license plate shall pay an initial fee of forty-five dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this provision for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the children's trust fund created under RCW 43.121.100.

Provides that, effective with annual renewals due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special keep kids safe license plate shall pay a fee of thirty-five dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this provision for administration and collection expenses incurred by it. The department shall

remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the children's trust fund created under RCW 43.121.100.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 2335** by Representative Schual-Berke

Changing the method for designating the lead agency for public proposals under the state environmental policy act.

Revises the method for designating the lead agency for public proposals under the state environmental policy act.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 2336** by Representative Schual-Berke

Providing for stem cell research.

Declares that it is the policy of Washington state that:

(1) 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 research.

(2) Research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplantation, shall be reviewed by an institutional review board.

Directs the department to develop guidelines for research involving the derivation or use of human embryonic stem cells in Washington by January 1, 2006.

Requires that all research projects involving the derivation or use of human embryonic stem cells must be reviewed and approved by an institutional review board before being undertaken.

Requires that, at least once per year, the institutional review board must conduct continuing review of human embryonic stem cell research projects reviewed and approved under this act to ensure that the research continues to meet the standards for institutional review board approval.

Requires each institutional review board that has reviewed human embryonic stem cell research pursuant to this act to report to the department annually the number of human embryonic stem cell research projects the board has reviewed and the status and disposition of each project.

Directs each institutional review board to also report to the department unanticipated problems, unforeseen issues, or serious continuing investigator noncompliance with the requirements or determinations of the institutional review board with respect to the review of human embryonic stem cell research projects, and the actions taken by the institutional review board to respond to these situations.

Directs the department to establish and maintain an anonymous registry of embryos that are available for research. The purpose of the registry is to provide researchers with access to embryos that are available for research purposes.

Provides that a health care provider delivering fertility treatment must provide his or her patient with timely, relevant, and appropriate information to allow the patient to make an informed and voluntary choice about the disposition of any human embryos remaining following the

fertility treatment. Failure to provide to a patient this information constitutes unprofessional conduct under chapter 18.130 RCW.

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.

Declares that a person who violates this restriction 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 cloning or attempting to clone a human being.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 2337** by Representative Morris

Providing options for impact fee requirements.

Provides options for impact fee requirements.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 2338** by Representative Morris

Concerning mitigation recommendations for nonfederal hydropower project licensing.

Revises mitigation recommendations for nonfederal hydropower project licensing.

Finds that as federally licensed hydroelectric projects seek to be relicensed, the demand for affordable and reliable electricity requires that a process be developed for identification of a state position on mitigation recommendations submitted under the federal licensing process.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 2339** by Representatives Morris, Ericksen and Linville

Providing tax relief for aluminum smelters.

Provides tax relief for aluminum smelters.

Declares that upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of .2904 percent.

Declares that upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

Expires January 1, 2007.

Requires that by December 1, 2005, and by December 1, 2006, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the smelter tax incentives. The report shall



measure the effect of the smelter tax incentives on job retention for Washington residents, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact any or all of the smelter tax incentives.

-- 2004 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**HB 2340** by Representative Morris

Regarding electrical transmission.

Revises provisions relating to siting electrical transmission under the energy facility site evaluation council.

-- 2004 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**HB 2341** by Representative Morris

Enacting the model distributed generation interconnection procedures and net metering provisions.

Enacts the model distributed generation interconnection procedures and net metering provisions.

Finds that it is in the public interest to simplify the process of interconnecting distributed generation facilities that will be used for net metered customers. This act is intended to both identify a class of distributed generators that, because of their selected point of common coupling, can be interconnected with ease and expedition as well as the standards to be used for ordinary interconnections by all utilities subject to commission regulation.

-- 2004 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**HB 2342** by Representatives Veloria, Carrell and O'Brien

Regulating residences of sex offenders under supervision.

Provides that the residence location and living arrangements for any offender convicted of a felony sex offense released on or after July 1, 2004, shall not be approved by the department if more than two sex offenders already reside in the same building or within the same city block who are under the supervision of the department for terms of community custody, community placement, or community supervision.

Provides that, for any offender convicted of a felony sex offense on or after July 1, 2004, the department shall not approve a residence location if more than two sex offenders already reside in the same building or within the same city block as the proposed residence and such sex offenders are under the supervision of the department for terms of community custody, community placement, or community supervision.

-- 2004 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**HB 2343** by Representatives Dunshee, Fromhold and Lantz

Settling certificated educational employees' collective bargaining disputes.

Designates procedures for resolving certificated educational employees' collective bargaining disputes.

Recognizes that the uninterrupted and dedicated service of educational employees is vital to the welfare and public safety and health of this state, and that to promote such dedicated and uninterrupted public service there should exist an effective and adequate means of settling collective bargaining disputes.

-- 2004 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**HB 2344** by Representatives Alexander, Sommers, Romero and Hunt; by request of Department of General Administration

Managing the motor pool within the department of general administration.

Revises provisions for managing the motor pool within the department of general administration.

Repeals RCW 43.19.605.

-- 2004 REGULAR SESSION --

Jan 8 Prefiled for introduction.

**HB 2345** by Representatives Sommers, Alexander, Romero and Hunt; by request of Department of General Administration

Establishing a commemorative works account for the department of general administration.

Creates the commemorative works account in the custody of the state treasurer and shall be used by the department of general administration for the ongoing care, maintenance, and repair of commemorative works on the state capitol grounds.

-- 2004 REGULAR SESSION --

Jan 8 Prefiled for introduction.

**HB 2346** by Representative Veloria

Promoting investment in Washington businesses.

Finds that pension funds managed by the Washington state investment board constitute a major financial resource of the state, and that such funds may be prudently invested in start-up and emerging growth businesses in this state under policies established by the Washington state investment board.

Finds that the goals of maximizing investment returns, prudent levels of risk, fulfilling fiduciary duties, ensuring adequate investment diversification, promoting job creation, and strengthening the state's economy are compatible and mutually beneficial.

Declares that the state investment board should sustain a level of capital investment in Washington companies to foster economic growth and the growth of the state employee's pension portfolio.

Provides that the state investment board shall not: (1) Invest more than twenty-five percent of its funds in any single industry;

(2) Invest more than five percent of its funds in any one company; or

(3) Own more than ten percent of the equity of any business.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**HB 2347** by Representatives McDonald and Morrell

Authorizing additional sales tax authority for public facilities districts.

Provides that the governing body of a public facilities district created after July 1, 2005, but before June 30, 2007, under chapter 35.57 or 36.100 RCW that commences construction of a new cultural center, or improvement or rehabilitation of an existing cultural center, before January 1, 2008, may impose a sales and use tax in accordance with the terms of this act.

Provides that the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

Declares that a public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this act if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**HB 2348** by Representatives Eickmeyer, Buck and Haigh

Restricting the harvest of geoducks in Hood Canal.

Prohibits the department from entering or reentering into any management plan with either a state or nonstate entity that would allow for the harvest of naturally occurring geoduck in Hood Canal below the mean low tide line until the commission adopts an administrative rule canceling or modifying the restriction.

Provides that the commission may adopt a rule allowing the department to enter into management agreements with state or nonstate entities that allow for the harvest of naturally occurring geoduck in Hood Canal below the mean low tide line only if a majority of the members of the commission vote to affirm that substantial, peer-reviewed research strongly indicates that the commercial harvest of geoduck in Hood Canal does not have either a significant short-term adverse effect or significant long-term adverse effect on the environmental health of Hood Canal, including water quality and dissolved oxygen levels. Any research considered must be specifically tailored to the unique conditions of Hood Canal and must address the effect of removing a large quantity of geoducks from Hood Canal.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**HB 2349** by Representative Ericksen

Allowing small scale resource extraction without written approval.

Provides that any person may engage in small scale prospecting and mining, as that term is defined in RCW 77.08.010, on aquatic lands where both the surface and mineral rights are possessed by the state without first obtaining a permit, lease, license, or other form of

permission from the department, and without being charged a rent or fee.

Provides that the department must allow small scale prospecting and mining, as that term is defined in RCW 77.08.010, on aquatic lands where both the surface and mineral rights are possessed by the state without first obtaining a permit, lease, license, or other form of permission from the department, and without being charged a rent or fee.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2350** by Representative Ericksen

Regulating fees for using an automated teller machine.

Declares that the owner of an automated teller machine may charge an access fee or surcharge to a customer for the use of the machine.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2351** by Representatives Hudgins, Romero and Hinkle

Regulating foreign contact centers.

Requires that, at the request of a party using telephonic or electronic communications with an employee of a contact center, the employee must identify: (1) Himself or herself, by stating his or her name;

(2) The name of his or her employer;

(3) The location of the municipality, state, and country in which he or she is located; and

(4) If applicable, the name and telephone number of the entity contracting with the contact center. In addition, if the contact center is located in a foreign country, the party may request that a telephonic communication be rerouted to a contact center located in the United States. The contact center must comply with any such request.

Provides that an employee at a contact center operating in a foreign country may not solicit any personal information, whether using telephonic or electronic communications, unless the employee first informs the party that disclosing that information to the employee is optional and receives the affirmative consent of the party to whom the information relates.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2352** by Representatives Hudgins and Romero

Prohibiting employers from requiring employees to train their successors.

Provides that an employer may not order a layoff of workers who were required to train other persons to perform their job duties unless, ten days before the workers began training the other persons, the employer gave written notice of the order to: (1) The workers affected by the order; and

(2) The department.

Requires the written notice to specify: (1) The number of affected positions;

(2) The number of affected positions being relocated or outsourced to a different location one hundred miles or more away;

(3) The job titles and wages of the affected positions;

(4) The locations to which the affected positions are being relocated or outsourced; and

(5) Any additional information specified in rule by the department.

Provides that an employer who fails to give notice as required by this act is liable to each employee for lost wages.

Provides that an employer who fails to give notice as required by this act is also subject to a civil penalty of not more than five hundred dollars per employee entitled to notice for each day of the employer's violation. Civil penalties collected under this provision shall be paid into the unemployment trust fund.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2353** by Representatives Hinkle and Hudgins

Providing for the extension or expansion of urban governmental services when necessary to protect basic public health, safety, and the environment.

Recognizes that coordinated planning and growth, including appropriate and locally approved extensions or expansions of urban governmental services, are in the public interest and are consistent with stated policy goals of citizen participation and protecting basic public health, safety, and the environment.

Declares an intent to provide new policy guidance and mechanisms by which, for a specified amount of time, urban governmental services may be appropriately extended or expanded in response to local level actions and consent.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2354** by Representative Kristiansen

Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically.

Provides that, notwithstanding the provisions of RCW 48.66.045, issuers of a medicare supplement insurance policy or certificate may provide premium rate discounts based on automatic deposit of premiums.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2355** by Representative Hinkle

Concerning the provision of complementary and alternative medicine.

Declares an intent to allow access by Washington residents to complementary and alternative health care practitioners who are not providing services that require medical training and credentials.

Finds that, with proper disclosure, these nonmedical complementary and alternative services do not pose a known risk to the health and safety of Washington residents, and that restricting access to those services is not warranted.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2356** by Representative Hinkle

Allowing off-road vehicles on nonhighway roads.

Declares that it is lawful to operate an off-road vehicle upon a nonhighway road and in paved parking areas serving designated off-road vehicle areas unless the responsible governing body, including state, federal, or local authorities, prohibits the use of off-road vehicles, if: (1) Any person operating an off-road vehicle is in compliance with RCW 46.09.120; and

(2) The nonhighway road is not intended and maintained primarily for passenger motor vehicle use.

Provides that an off-road vehicle operated on a nonhighway road under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2357** by Representative Hinkle

Regarding use of state hospital beds by regional support networks.

Provides that regional support networks who are in excess of their individual allocated census at the state hospital shall be assessed liquidated damages. The amount of liquidated damages shall be the number of beds over the individual allocated census multiplied by three hundred percent of the state hospital daily bed charge established under RCW 43.20B.325.

Provides that liquidated damages collected under RCW 71.24.300(1)(e) shall be collected by the department and shall be used in the following order: (1) To reimburse the state for use of state hospitals at a rate equal to that assumed by the legislature when appropriating funds for such care at state hospitals during the biennium when reimbursement occurs;

(2) To reimburse regional support networks who have not exceeded and are unable to utilize their individual allocated census at the state hospital, for the costs associated with providing inpatient treatment in a community hospital; and, to the extent any funds remain,

(3) To allow regional support networks who have exceeded their individual allocated census at the state hospital, to apply for funds to develop local inpatient or hospital diversion capacity to reduce their over reliance on the state hospital.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2358** by Representative Kagi

Eliminating duplicative sentencing enhancements for drug offenses with a deadly weapon special verdict.

Declares an intent to: (1) Continue to punish criminals armed with deadly weapons more severely than criminals who are not so armed; and

(2) Remove the duplicative deadly weapon sentence enhancement for drug-related crimes thereby enhancing their punishments in the same manner as any other crime involving a deadly weapon.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2359** by Representative Kagi

Altering the amount of earned release time available for certain jail inmates.

Provides that, in the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 2004, the aggregate earned release time may not exceed ten percent of the sentence.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2360** by Representative Kagi

Establishing a wage ladder for child care workers.

Declares an intent to increase wages to child care workers through establishing a wage ladder that provides increased wages for child care workers based on their work experience, level of responsibility, and education.

Appropriates the sum of two million dollars, or as much thereof as may be necessary, from the general fund to the department of social and health services for the fiscal year ending June 30, 2005, to carry out the purposes of this act.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2361** by Representative Kagi

Requiring development and implementation of policies concerning visitation for children in foster care.

Directs the department of social and health services to develop consistent policies and protocols, based on current relevant research, concerning visitation for children in foster care to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field and community-based agencies who provide related services in the state.

Requires the policies and protocols to include, but not be limited to: The structure, quality, and frequency of visitations; and training for caseworkers, visitation supervisors, and foster parents related to visitation.

Directs the department of social and health services to implement the policies and protocols required under this act across the state by January 1, 2005.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2362** by Representative Kagi

Establishing the use of family team decision meetings.

Requires the department of social and health services to establish as a goal the use of a family team decision meeting in each case in which a child is involved in the child welfare system.

Provides that if the department elects not to conduct a family team decision meeting, the reasons for that decision shall be clearly documented in the written service plan of the child developed by the department.

Provides that, if the department of social and health services conducts a family team decision meeting, the meeting shall result in the development of a written family plan that may include service recommendations, placement recommendations, and a permanency plan.

**-- 2004 REGULAR SESSION --**  
Jan 9 Prefiled for introduction.

**HB 2363** by Representative Kagi

Eliminating the supervision of certain probationers by the department of corrections.

Eliminates the supervision of certain probationers by the department of corrections.

**-- 2004 REGULAR SESSION --**  
Jan 9 Prefiled for introduction.

**HB 2364** by Representative Kagi

Regulating homeowner's insurance.

Provides that an insurer licensed to write homeowner's insurance in this state shall not deny an application for a homeowner's insurance policy, or cancel, refuse to renew, or modify an existing homeowner's insurance policy, based in whole or in part on the fact that the applicant or insured is a foster parent licensed under chapter 74.15 RCW.

**-- 2004 REGULAR SESSION --**  
Jan 9 Prefiled for introduction.

**HB 2365** by Representative Kagi

Allowing an offender to make a motion to the court for admission to drug court.

Authorizes an offender to make a motion to the court for admission to drug court.

**-- 2004 REGULAR SESSION --**  
Jan 9 Prefiled for introduction.

**HB 2366** by Representatives Linville and Schoesler;  
by request of Department of Agriculture

Promoting Washington state agriculture.

Finds that the from the heart of Washington program, developed by the Washington state department of agriculture with one-time federal grant moneys, is a valuable tool to convey important messages about Washington agriculture and to encourage Washington citizens to buy Washington-grown and Washington-processed food and agricultural products. With the exhaustion of the one-time federal grant funding, the legislature finds that the program would benefit from a new governance structure that will allow the necessary operational flexibility to enable the program to expand and to encourage private investment in the program, and that the continuance of the program as a private, nonprofit corporation is the best method to achieve these goals.

**-- 2004 REGULAR SESSION --**  
Jan 9 Prefiled for introduction.

**HB 2367** by Representatives Linville and Schoesler;  
by request of Department of Agriculture

Promoting Washington-grown apples.

Finds that the apple commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission,

with oversight by the director, to speak on behalf of the Washington state government with regard to apples and apple-related issues.

Revises the membership of the commission.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2368** by Representative Hinkle

Concerning the listing of endangered species.

Provides that, if a species is listed as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., the director may coordinate department activities with federal efforts to recover listed species. The state may not list species that are not listed under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**HB 2369** by Representative Hinkle

Ensuring that landlocked property owners may obtain a private way of necessity across state lands.

Provides that an owner, or one entitled to the beneficial use, of land who has condemned state-owned land as defined in RCW 79.02.010 according to the requirements of chapter 8.24 RCW may bring an action for acts that wrongfully preclude or interfere with the use of the private way of necessity obtained according to this chapter. The action authorized by this act may be brought against the department of natural resources, department of fish and wildlife, state parks and recreation commission, or any employee, official, or agent of these state agencies acting in his or her official capacity or within the scope of his or her duties.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

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**House Joint Memorials**

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**HJM 4030** by Representative Schual-Berke

Encouraging stem cell research.

Requests that federal funding be made widely available to support research involving human embryonic stem cells and human embryonic germ cells, including somatic cell nuclear transplantation, upon full consideration of the ethical and medical implications of this research.

**-- 2004 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HJM 4031** by Representative Conway

Urging extension of temporary extended unemployment compensation.

Requests that Congress and the President extend and make retroactive the federal temporary unemployment compensation program.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

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**Senate Bills**

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**SB 6103** by Senators Zarelli and Keiser

Making certain types of extreme fighting illegal.

Declares that no amateur or professional no holds barred fighting or combative fighting type of contest, exhibition, match, or similar type of event, nor any elimination tournament, may be held in this state.

Provides that any person promoting such an event is guilty of a felony. Additionally, the director may apply to a superior court for an injunction against any and all promoters of a contest, and may request that the court seize all money and assets relating to the competition.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6104** by Senator McCaslin

Concerning the filling of a vacancy on a public facilities district's board.

Declares that a vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed. However, the appointing authority may approve a leave of absence for any appointment and temporarily fill such a position for the term of the approved leave of absence. No approved leave of absence extends any term of office.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6105** by Senator McCaslin

Revising penalties for animal cruelty.

Provides that, when a juvenile offender is found to have committed animal cruelty in the first degree, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether it is appropriate to require the respondent to attend treatment in a program to prevent animal cruelty. The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community and shall submit a proposed treatment plan if that is indicated.

Provides that, after receipt of report of the examination and treatment plan, the court shall then consider whether the offender and the community will benefit from the respondent's treatment and, if so, the court shall impose a determinate disposition that includes one year of community supervision during which the treatment shall be required.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6106** by Senators Rasmussen and Swecker; by request of Department of Agriculture

Including severability clauses in commodity commission statutes.

Includes severability clauses in commodity commission statutes.

-- 2004 REGULAR SESSION --

Dec 10 Prefiled for introduction.

**SB 6107** by Senators Rasmussen and Swecker; by request of Department of Agriculture

Preventing the spread of animal diseases.

Declares that the director may issue a quarantine order and enforce the quarantine of any animal or its reproductive products when any animal or its reproductive products are affected with or have been exposed to disease or when there is reasonable cause to investigate whether any animal or its reproductive products are affected with or have been exposed to disease, either within or outside the state.

Provides that overt disease or exposure to disease in any animal or its reproductive products need not be immediately obvious for a quarantine order to be issued or enforced.

Declares that the director has the authority to enter the animal premises of any animal owner at any reasonable time to conduct tests, examinations, or inspections for disease conditions when there is reasonable cause to investigate whether animals on the premises or that have been on the premises are infected with or have been exposed to a reportable disease.

Provides that if the director is denied access to the animal premises or the animals for purposes of conducting tests, inspections, or examinations or the animal owner fails to comply with an order of the director, the director may apply to a court of competent jurisdiction for an administrative search warrant. The warrant may authorize access to any animal or animal premises for purposes of conducting tests, inspections, or examinations of any animal or animal premises, or taking samples, and may authorize seizure or destruction of property. The warrant shall be issued upon probable cause.

Declares it is sufficient probable cause to show a potential threat to the agricultural interests of this state or a potential threat which seriously endangers animals, human health, the environment, or public welfare.

-- 2004 REGULAR SESSION --

Dec 10 Prefiled for introduction.

**SB 6108** by Senators Sheahan, Swecker and Rasmussen; by request of Department of Agriculture

Applying pesticides.

Establishes provisions relating to the application of pesticides.

Takes effect January 1, 2005.

-- 2004 REGULAR SESSION --

Dec 10 Prefiled for introduction.

**SB 6109** by Senators Jacobsen, Swecker and Rasmussen; by request of Department of Agriculture

Establishing a system of animal identification.

Provides that the director may adopt rules to establish a system of animal identification to support the agriculture industry in meeting federal requirements. The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such a system and to promote consistency of regulation.

-- 2004 REGULAR SESSION --

Dec 10 Prefiled for introduction.

**SB 6110** by Senators Benton, Winsley, Carlson, Roach and Parlette

Authorizing a reduced license fee for personal use trailers.

Provides that, in lieu of the license tab fees provided in RCW 46.16.0621, private use trailers of two thousand pounds scale weight or less shall be licensed upon the payment of a license fee in the sum of four dollars and fifty cents, or if the trailer was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee in the sum of three dollars and twenty-five cents, but only if the trailer is operated upon public highways.

Declares an intent that this reduced license fee shall be issued only for trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor.

-- 2004 REGULAR SESSION --

Dec 10 Prefiled for introduction.

**SB 6111** by Senators Benton, Winsley, Oke, Keiser, Esser and Prentice

Requiring law enforcement agencies to adopt domestic violence policies.

Provides that, by December 1, 2004, the Washington state criminal justice training commission, the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers shall develop a written model policy on domestic violence.

Requires that, by June 1, 2005, every state, county, and municipal law enforcement agency shall adopt and implement a written domestic violence policy.

Provides that, by June 30, 2006, every full-time peace officer employed by a state, county, or municipal law enforcement agency shall have received domestic violence training. Every new full-time peace officer employed by a state, county, or municipal law enforcement agency after June 30, 2006, also shall receive, within six months of employment, domestic violence training.

-- 2004 REGULAR SESSION --

Dec 10 Prefiled for introduction.

**SB 6112** by Senators Prentice, Benton, Winsley and Keiser

Regulating self-funded multiple employer welfare arrangements.

Declares that the purposes of this act are to: (1) Provide for the authorization and registration of self-funded multiple employer welfare arrangements;

(2) Regulate self-funded multiple employer welfare arrangements in order to ensure the financial integrity of the arrangements;

(3) Provide reporting requirements for self-funded multiple employer welfare arrangements; and

(4) Provide for sanctions against self-funded multiple employer welfare arrangements organized, operated, providing benefits, or maintained in this state that do not comply with this act.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6113** by Senators T. Sheldon, Swecker, Haugen and Zarelli

Ensuring sales and use tax proceeds in rural counties are being used for authorized purposes.

Provides that, beginning July 1, 2004, no money collected under RCW 82.14.370(2) shall be distributed until the county has submitted to the department of community, trade, and economic development a list of projects from the prior fiscal year showing that the county has used the funds consistent with the requirements of RCW 82.14.370(3). If the department of community, trade, and economic development finds that the county's funds have not been used in a manner consistent with this section, the money collected shall be distributed by the department of revenue to the public facilities construction loan revolving account for use by the community economic revitalization board on public infrastructure projects within the county.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6114** by Senators Stevens, Winsley, Oke, Schmidt, Honeyford, Mulliken, Parlette, Finkbeiner, Deccio, Swecker, Zarelli, Morton, Hewitt and Sheahan

Prohibiting terrorist acts against animal and natural resource facilities.

Prohibits terrorist acts against animal and natural resource facilities.

Establishes penalties for violations of the act.

Creates the registry of animal and ecological terrorists. A person who is convicted of or pleads guilty to an act that violates this act shall be registered with the attorney general on a form prescribed by the attorney general. The registry shall contain the name, a current residence address, a recent photograph, and signature of the offender. The offender is required to provide written notice to the attorney general regarding any change in name or residence address within thirty days of making the change. The attorney general shall create a website containing the information set forth in this provision for each person who is convicted or pleads guilty to a violation of this act. Information regarding an offender shall remain on the website for not less than three years at which time the registrant may apply to the attorney general for removal after a hearing on the application for removal.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6115** by Senators Roach, Parlette, Hewitt, Mulliken, Honeyford, Schmidt, Johnson, Stevens, Sheahan, Hale, Winsley, Oke, Deccio, Haugen,

Swecker, Finkbeiner, T. Sheldon, Prentice, Rasmussen, Fairley, Fraser and Kline

Providing a use tax exemption for amusement and recreation services donated to or by nonprofit charitable organizations or state or local governmental entities.

Declares that chapter 82.12 RCW does not apply to the donation of amusement and recreation services without intervening use to a nonprofit charitable organization or state or local governmental entity, to the use by a nonprofit charitable organization or state or local governmental entity of amusement and recreation services, or to the subsequent use of the services by a person to whom the services are donated or bailed in furtherance of the purpose for which the services were originally donated. As used in this provision, "amusement and recreation services" has the meaning in RCW 82.04.050(3)(a).

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6116** by Senators Winsley, Prentice, Benton, McAuliffe, Franklin and Rasmussen

Establishing the autobody and glass repair consumer bill of rights.

Establishes the autobody and glass repair consumer bill of rights.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6117** by Senator Winsley

Providing a procedure for resolving labor disputes involving teachers and other certificated instructional staff.

Provides that, if an agreement has not been reached on a new employment contract following a reasonable period of negotiations and mediation, but in no event later than August 1st of any year in which the previous employment contract will expire, an interest arbitration panel shall be created to resolve the dispute.

Provides that, once the members of the arbitration panel are determined, the panel shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute.

Requires the hearing to take place by August 15th.

Provides that the hearing conducted by the arbitration panel shall be concluded by August 22nd.

Directs the neutral chairman to consult with the other members of the arbitration panel, and, by September 1st, the neutral chairman shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented.

Requires a copy of the written findings of fact and a determination of the dispute to be served on the commission, on each of the other members of the arbitration panel, and on each of the parties to the dispute.

Declares that the written determination shall be final and binding upon both parties, subject to review by the superior court upon the application of either party within seven days solely upon the question of whether the decision of the panel was arbitrary or capricious.

Provides that, if the representative of either or both the teachers and other certificated instructional staff and the school district refuse to submit to the mediation and arbitration procedures set forth in chapter 41.56 RCW, the parties, or the commission on its own motion, may invoke

the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof.

**-- 2004 REGULAR SESSION --**

Dec 10 Prefiled for introduction.

**SB 6118** by Senator Morton

Allowing for cougar control pilot programs.

Declares an intent to establish a three-year pilot program administered by county government to allow for limited hound hunting during certain times of each year as a means to better control the cougar population.

Provides that Washington State University shall monitor any pilot program entered into under this act and provide a report to the appropriate committees of the legislature by July 1, 2007.

Appropriates the sum of twenty thousand dollars, or as much thereof as may be necessary, for the fiscal year ending June 30, 2005, from the general fund to Washington State University for the purposes of this act.

**-- 2004 REGULAR SESSION --**

Dec 15 Prefiled for introduction.

**SB 6119** by Senator Morton

Concerning the total maximum daily load process for Moses Lake.

Provides that the department may not proceed with the total maximum daily load process for Moses Lake until it has: (1) Made all reasonable efforts to provide the information requested by the Moses Lake advisory committee; and

(2) Allowed the advisory committee sufficient time to distribute and analyze the information so that the advisory committee report accurately reflects the current condition of the lake, water, and adjacent uplands.

**-- 2004 REGULAR SESSION --**

Dec 15 Prefiled for introduction.

**SB 6120** by Senators Esser, Kline and McCaslin

Managing trust and estates.

Revises provisions relating to trust and estate management.

**-- 2004 REGULAR SESSION --**

Dec 17 Prefiled for introduction.

**SB 6121** by Senators Johnson, Kline, McCaslin and Esser

Filing a will under seal before the testator's death.

Establishes provisions for filing a will under seal before the testator's death.

**-- 2004 REGULAR SESSION --**

Dec 17 Prefiled for introduction.

**SB 6122** by Senators Shin, McAuliffe, Oke and Keiser

Prohibiting smoking within thirty-five feet of a public place.  
Prohibits smoking within thirty-five feet of a public place.

**-- 2004 REGULAR SESSION --**

Dec 22 Prefiled for introduction.

**SB 6123** by Senators Carlson, Keiser and Winsley; by request of State Board of Accountancy

Modifying the public accountancy act.

Modifies the public accountancy act but only with respect to: Expanding board member term limits, extending the experience look-back period for certificate holders, allowing out-of-state CPAs to qualify for a license with three years of public practice experience during the immediate past five years, expanding sanctioning authority over imposters and exam cheaters, and establishing a penalty for imposters whose license or certificate has been suspended or revoked.

**-- 2004 REGULAR SESSION --**

Dec 22 Prefiled for introduction.

**SB 6124** by Senators Morton, Doumit, Hewitt, T. Sheldon, Oke and Fraser; by request of Commissioner of Public Lands

Clarifying the definitions of certain natural resources terms.

Provides for the clarification of certain definitions in Title 79 RCW and related public land statutes.

**-- 2004 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**SB 6125** by Senator Morton

Conservancy board voting.

Revises RCW 90.80.070 relating to water conservancy board voting requirements.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6126** by Senator Swecker; by request of Department of Agriculture

Promoting Washington-grown apples.

Finds that the apple commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to apples and apple-related issues.

Revises the membership of the commission.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6127** by Senator Swecker; by request of Department of Agriculture



Promoting Washington state agriculture.

Finds that the heart of Washington program, developed by the Washington state department of agriculture with one-time federal grant moneys, is a valuable tool to convey important messages about Washington agriculture and to encourage Washington citizens to buy Washington-grown and Washington-processed food and agricultural products. With the exhaustion of the one-time federal grant funding, the legislature finds that the program would benefit from a new governance structure that will allow the necessary operational flexibility to enable the program to expand and to encourage private investment in the program, and that the continuance of the program as a private, nonprofit corporation is the best method to achieve these goals.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6128** by Senators Morton and Honeyford

Concerning the acquisition of land for fish and wildlife habitat.

Revises provisions relating to the acquisition of land for fish and wildlife habitat.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6129** by Senator Carlson

Changing membership on the higher education coordinating board.

Revises membership on the higher education coordinating board.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6130** by Senators Esser, Kline and McCaslin

Granting additional rights and powers to nonprofit miscellaneous and mutual corporations.

Provides that, in addition to any other rights and powers granted under chapter 24.06 RCW, any mutual or miscellaneous corporation that was organized under this chapter prior to the effective date of this act and conducts its business on a cooperative basis is entitled, by means of an express election contained in its articles of incorporation or bylaws, to avail itself of part or all of the additional rights and powers granted to cooperative associations under RCW 23.86.105(1), 23.86.160, and 23.86.170, and, if the corporation is a consumer cooperative, under RCW 23.86.030 (1) and (2).

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6131** by Senators Poulsen and Morton

Providing incentives to support renewable energy.

Declares an intent to provide incentives for the greater use of locally created renewable energy technologies, support and retain existing local industries, and create new opportunities for renewable energy industries to develop in Washington state.

Creates the renewable energy incentive account in the custody of the state treasurer.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6132** by Senators Morton and Poulsen

Providing tax incentives for solar energy systems.

Declares an intent to enact comprehensive tax incentives for the solar electric industry that address activities of the manufacture of these products and to encourage these industries to locate in counties with high unemployment. Tax incentives for the solar electric industry are important in both retention and expansion of existing business and attraction of new businesses, all of which will strengthen this growth industry within our state, will create jobs, and will bring many indirect benefits to the state.

**-- 2004 REGULAR SESSION --**

Jan 8 Prefiled for introduction.

**SB 6133** by Senator Honeyford

Regulating financial interests between retail liquor licensees and liquor manufacturers.

Declares that nothing in RCW 66.28.010 shall prohibit a licensed retail business from having a direct or indirect financial interest in a manufacturer, or a manufacturer from having a direct or indirect financial interest in a licensed retail business, as long as the licensed retail business does not sell any liquor manufactured, directly or indirectly, by the manufacturer.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6134** by Senators Honeyford and Morton

Ensuring habitat benefits of land acquisitions.

Requires that, for any acquisition of property for the purpose of habitat enhancement or preservation, the fish and wildlife commission must make publicly available the following information: (1) The purpose of site acquisition, including a list of species targeted to benefit from the acquisition;

(2) A site habitat assessment that includes existing habitat types and species presence;

(3) An evaluation of the habitat value of the site in relation to other habitat within the watershed;

(4) The anticipated benefits to target species of site habitat preservation or enhancement; and

(5) The proposed public use of the property after acquisition.

Requires the salmon recovery funding board to evaluate the following information for any proposed project that includes land acquisition: (1) The purpose of site acquisition, including a list of salmon species targeted to benefit from the acquisition;

(2) A site habitat assessment that includes existing habitat types and salmon presence;

(3) An evaluation of the habitat value of the site in relation to other habitat within the watershed;

(4) The anticipated benefits to target species of site habitat preservation or enhancement; and

(5) The proposed public use of the property after acquisition.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6135** by Senator Honeyford

Regarding interdistrict health benefits for educational employees.

Provides that, beginning with contracts negotiated after the effective date of this act, school districts may provide for interdistrict health benefits that provide that spouses employed in different school districts receive benefits at the same rate as spouses employed in a single school district.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6136** by Senator McCaslin

Authorizing use of electronic tracking devices for law enforcement purposes.

Provides that a law enforcement officer may apply for and the superior court may issue orders and extensions of orders authorizing the installation and use of electronic tracking devices, including but not limited to global positioning satellite devices, as provided in this act.

Provides that, if the court finds that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation and finds that there is probable cause to believe that the electronic tracking device will lead to obtaining evidence of a crime, contraband, fruits of crime, things criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed, or will lead to learning the location of a person who is unlawfully restrained or reasonably believed to be a witness in a criminal investigation or for whose arrest there is probable cause, the court shall enter an ex parte order authorizing the installation and use of an electronic tracking device.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6137** by Senators Carlson and Finkbeiner

Modifying gubernatorial appointment provisions.

Amends RCW 43.06.092 relating to senate confirmation of gubernatorial appointees.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6138** by Senators Kohl-Welles and Carlson

Developing a master plan for education from prekindergarten through university.

Directs the senate committees on education and higher education and the house of representatives committees on education and higher education to work collaboratively to study and make recommendations about a master plan for education from prekindergarten through university.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6139** by Senator Morton

Concerning underground petroleum storage tanks.

Revises provisions relating to underground petroleum storage tanks.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6140** by Senators Morton and Fraser

Exempting uninhabited electric utility facilities from short plats and subdivision requirements.

Exempts a division for the purpose of creating a site to be used solely for an uninhabited public or private electric utility facility, so long as a record survey is recorded pursuant to chapter 58.09 RCW. Use of such land remains subject to local zoning and permitting ordinances and regulations approved by the legislative body of a city, town, or county.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6141** by Senators Winsley, Kastama, Oke, Franklin and Swecker; by request of Department of Revenue and Department of Veterans Affairs

Clarifying the property taxation of vehicles carrying exempt licenses.

Amends RCW 84.36.595 to clarify the property taxation of vehicles carrying exempt licenses.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6142** by Senators Winsley, Kastama, Oke, Franklin and Swecker

Concerning veterans and veterans' relief.

Declares an intent that each county develop programs or procedures that are consistent with the welfare of the indigent and suffering veteran and eligible family members and that adequately include the veterans' community at large and provide for the public good.

Requires a county legislative authority to create a veterans' advisory board to represent indigent and suffering veterans and their family members within the county. The county legislative authority must determine the membership of the veterans' advisory board and its policies and procedures. However, members must be broadly representative of the veterans' community and consist of at least fifty-one percent veterans, as that term is defined in RCW 41.04.007.

Declares that it is the responsibility of the county, veterans' service organizations, veterans' coalitions, or not-for-profit organizations administering or operating the veterans' assistance program under this act to submit reports to the county legislative authority on the operation of the program.

Repeals RCW 73.08.030, 73.08.040, and 73.08.060.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6143** by Senators Kastama, Winsley, Oke and Franklin

Determining eligibility for veteran's regular or special license plates.

Amends RCW 73.04.110 relating to determining eligibility for veteran's regular or special license plates.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

**SB 6144** by Senator Morton

Developing a statewide plan to address forest health.

Requires that the commissioner and the department develop and pursue approval of cooperative agreements with the United States forest service and the United States bureau of land management using Title 1 of the national environmental policy act of 1969, as amended, specifically using sections 101, 102, 103, 104, and 105.

Declares that the purpose of these agreements is to enable the department to effectively participate in land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression. Such government-to-government cooperation is vital if the condition of the state's public and private forest lands are to be protected.

Directs the commissioner to report to the chairs of the house of representatives and senate natural resources committees every six months on progress under this act.

Finds that Washington faces serious forest health problems where forest land is overcrowded with trees infested with or susceptible to insects, diseases, wind, and fire.

Creates a work group to study opportunities to improve the forest health issues enumerated in this act and to develop a strategic plan.

Directs the department of natural resources to initiate a pilot project in the Loomis state forest in 2004 to explore the use of stewardship contracts similar to those used by the United States forest service. The contracts must be used to restore healthy timber stocking levels and timber stand conditions on state trust lands.

Makes appropriations to carry out the purposes of the act.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.

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**Senate Concurrent Resolutions**

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**SCR 8417** by Senators Finkbeiner and Brown

Establishing cutoff dates.

Establishes cutoff dates.

**-- 2004 REGULAR SESSION --**

Jan 9 Prefiled for introduction.