



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
**Supplement No. 49\***

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FIFTY-NINTH LEGISLATURE

Friday, March 18, 2005

68th Day - 2005 Regular

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## SENATE

SB 5060-S  
SB 5275-S  
SB 5348-S  
SB 5736-S  
SB 5872-S

## HOUSE

HB 1268  
HB 1607-S  
HB 2254  
HB 2294  
HB 2295

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## SENATE

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## HOUSE

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**House Bills**

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**HB 1268** by Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Haler, Appleton, Wallace, Kagi, Dunshee, Springer, Uptegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire

Regulating stem cell research. Revised for 1st Substitute: Relating to stem cell research.

(AS OF HOUSE 2ND READING 3/15/05)

Finds that several states have supported policies and institutions in partnership with the biomedical research industry to promote and advance embryonic stem cell research. Washington state must demonstrate a similar commitment to these initiatives in order to reaffirm itself as a leader in this area of biomedical research.

Declares that stem cell research, including the use of embryonic stem cells for medical research, raises significant ethical concerns that must be balanced with medical considerations.

Finds that, while therapeutic cloning stem cell research holds enormous potential for treating or even curing some diseases, the reproductive cloning of human beings is morally and ethically unacceptable. Furthermore, the reproductive cloning of human beings poses grave health risks to any child who may be produced in this manner.

Declares that any attempt to clone a human being is in direct conflict with the policies of this state.

Creates the human stem cell research advisory committee.

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

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 blastocysts remaining following the fertility treatment.

Provides that any person to whom information is provided pursuant to this act must be presented with the option of storing any unused blastocysts, donating unused blastocysts to another individual, discarding unused blastocysts, or donating unused blastocysts for research.

Declares that no person may knowingly engage or assist in reproductive cloning of a human being or attempting reproductive cloning of a human being.

Authorizes the attorney general to bring an action to enjoin any person from violating this restriction.

Provides that any person who violates this act is subject to a civil penalty not to exceed one hundred thousand dollars for each violation. Civil penalties authorized by this provision may be imposed in any civil action brought by the attorney general.

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

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 act is guilty of a class B felony and upon conviction is subject to a fine not to exceed twenty thousand dollars or imprisonment not to exceed ten years.

Provides that no person may use human eggs or human sperm that have been donated for purposes of assisted reproduction as defined in chapter 26.26 RCW, to create human embryonic stem cells for use in research, without the written consent of the donor to use the eggs or sperm for research purposes after receiving the information specified in this act.

**-- 2005 REGULAR SESSION --**

Jan 19 First reading, referred to Health Care.  
 Feb 11 HC - Executive action taken by committee.  
 HC - Majority; do pass.  
 Minority; do not pass.  
 Feb 16 Referred to Appropriations.  
 Mar 3 APP - Executive action taken by committee.  
 APP - Majority; do pass.  
 Minority; do not pass.  
 Mar 7 Passed to Rules Committee for second reading.  
 Mar 10 Placed on second reading by Rules Committee.  
 Mar 15 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 59; nays, 36; absent, 3.

**- IN THE SENATE -**

Mar 17 First reading, referred to Labor, Commerce, Research & Development.

**HB 1607-S** by House Committee on Higher Education (originally sponsored by Representatives Strow, Kenney, Walsh, McCoy, Ormsby, Murray, Chase, Dickerson, Hasegawa, Roberts, Santos and Hudgins)

Including members of the Samish Indian Nation for purposes of resident tuition. Revised for 1st Substitute: Including members of the Samish Indian Nation for purposes of resident tuition. (REVISED FOR ENGROSSED: Including members of federally recognized Indian tribes as resident students for tuition purposes.

(AS OF HOUSE 2ND READING 3/03/05)

Declares that federal recognition of an Indian tribe shall be as determined under 25 C.F.R. by the United States bureau of Indian affairs.

**-- 2005 REGULAR SESSION --**

Feb 18 HE - Majority; 1st substitute bill be substituted, do pass.  
 Feb 22 Passed to Rules Committee for second reading.  
 Feb 25 Placed on second reading by Rules Committee.  
 Mar 3 1st substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 97; nays, 0; absent, 1.

**- IN THE SENATE -**

Mar 7 First reading, referred to Early Learning, K-12 & Higher Education.

**HB 2254** by Representative Cody

Clarifying protections provided to quality improvement activities.

(AS OF HOUSE 2ND READING 3/15/05)

Amends RCW 4.24.250, 43.70.510, and 70.41.200 relating to peer review committees and coordinated quality improvement programs.

**-- 2005 REGULAR SESSION --**

Feb 28 First reading, referred to Health Care.  
Mar 1 HC - Executive action taken by committee.  
HC - Majority; do pass.  
Minority; do not pass.  
Mar 2 Passed to Rules Committee for second reading.  
Mar 14 Placed on second reading.  
Mar 15 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0; absent, 2.

**- IN THE SENATE -**

Mar 16 First reading, referred to Health & Long-Term Care.

**HB 2294** by Representatives Campbell, McDermott, Morrell and Cody

Changing the regulation of the practice of massage.  
Repeals RCW 18.108.100.

**-- 2005 REGULAR SESSION --**

Mar 17 First reading, referred to Health Care.

**HB 2295** by Representatives Priest, Serben, Rodne, Holmquist, DeBolt, Newhouse, McDonald, Skinner, Shabro, Clements, McCune, Walsh, Ahern, Jarrett, Cox, Schindler, Nixon, Haler, Hankins, Roach, Tom, Kretz, Condotta, Kristiansen, Armstrong, Bailey, Strow and Buri

Making comprehensive changes to health care liability laws.  
Finds that the advances in medical technology, diagnosis, and treatment have resulted in great strides in maintaining and improving the health of Washingtonians. Yet those advances substantially increase the complexity of our health care delivery system and increase the risk that medical errors will occur.

Finds that our health care and medical liability systems are not structured to promote disclosure and analysis of medical errors, whether they result in patient harm or not. Each medical error provides an opportunity to learn how to avoid future errors.

Declares an intent to promote full disclosure of medical errors and adverse health events, and to use the experience and knowledge gained from analysis of those events to advance patient safety in a nonpunitive manner.

Intends to promote full disclosure of medical errors to patients by substantially reducing the risk of liability exposure associated with such disclosure.

Declares that this act constitutes an alternative to Initiative 330. The secretary of state shall place this act on the ballot in conjunction with Initiative 330 at the next regular general election.

Declares that this act constitutes an alternative to Initiative 336. The secretary of state shall place this act on the ballot in conjunction with Initiative 336 at the next regular general election.

**-- 2005 REGULAR SESSION --**

Mar 17 First reading, referred to Judiciary.

**Senate Bills**

**SB 5060-S** by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Jacobsen)

Regulating automated traffic safety cameras. Revised for 1st Substitute: Regulating the use of automated traffic safety cameras.

(AS OF SENATE 2ND READING 3/14/05)

Provides that the use of automated traffic safety cameras is subject to the following regulations: (1) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight or railroad crossing violations.

(2) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(3) Automated traffic safety cameras may take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(4) The ordinance enacted by the local legislative authority may provide that automated traffic safety cameras may take pictures of the vehicle and vehicle license plate while an infraction is occurring.

(5) A notice of an infraction must be mailed to the registered owner of the vehicle within fourteen days of the infraction occurring.

(6) A person receiving an automated traffic infraction notice based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(7) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under this act. If appropriate under the circumstances, a renter identified under this act is responsible for an infraction.

(8) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this act. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations

under this act nor retained longer than necessary to enforce this act.

(9) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(10) If a county or city has established an authorized automated traffic safety camera program under this act, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

**-- 2005 REGULAR SESSION --**

- Mar 4 TRAN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Minority; without recommendation.  
Passed to Rules Committee for second reading.
- Mar 9 Made eligible to be placed on second reading.
- Mar 10 Placed on second reading by Rules Committee.
- Mar 14 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 30; nays, 19; absent, 0.

**- IN THE HOUSE -**

- Mar 15 First reading, referred to Transportation.

**SB 5275-S** by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Regala, Kline, Franklin and Mulliken)

Prohibiting the use of consumer credit histories for personal insurance renewal decisions. Revised for 1st Substitute: Prohibiting the use of consumer credit histories for personal insurance renewal decisions. (REVISED FOR ENGROSSED: Limiting the use of consumer credit histories for personal insurance renewal decisions.)

(AS OF SENATE 2ND READING 3/03/05)

Provides that, at renewal, an insurer shall not use a policyholder's updated credit history to determine premium when the updated credit history is less favorable to the policyholder than the prior credit history. Nothing in this act shall be construed to prevent an insurer from using factors other than a policyholder's updated credit score in determining premium increases, or to prevent inclusion of a policyholder's prior credit history in premium decisions at renewal.

**-- 2005 REGULAR SESSION --**

- Feb 3 FHC - Majority; 1st substitute bill be substituted, do pass.  
Minority; without recommendation.  
Passed to Rules Committee for second reading.
- Feb 8 Made eligible to be placed on second reading.

- Feb 15 Placed on second reading by Rules Committee.
- Mar 3 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 38; nays, 11; absent, 0.

**- IN THE HOUSE -**

- Mar 4 First reading, referred to Financial Institutions & Insurance.

**SB 5348-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Pridemore, Kastama, Fraser and Kline)

Authorizing certain PUDs to operate an electrical appliance repair service.

(AS OF SENATE 2ND READING 3/04/05)

Declares an intent to avoid unnecessary hardships on the citizens of a community by recognizing the traditional appliance repair services that have been offered for many years by any public utility district.

Recognizes these historic services coexist with the private sector without creating aggressive competition between public and private enterprises.

Declares an intent to have these services be financially self-supporting and not be subsidized by any other customer rate structures.

Provides that any public utility district that has operated an electrical appliance repair service for at least ten years prior to the effective date of this act, may continue to operate an electrical appliance repair service within its service territory.

Provides that, when a public utility district provides electrical appliance repair services under this act, the public utility district shall: (1) Charge customers the true and fair cost for the services;

(2) Keep records documenting the revenues and expenditures for the services and make those records available to the public; and

(3) Develop measures or benchmarks to track and evaluate the performance of the services.

**-- 2005 REGULAR SESSION --**

- Feb 10 WEE - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.
- Feb 15 Made eligible to be placed on second reading.
- Feb 22 Placed on second reading by Rules Committee.
- Mar 4 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 26; nays, 22; absent, 1.

**- IN THE HOUSE -**

- Mar 8 First reading, referred to Technology, Energy & Communications.

**SB 5736-S** by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senator Spanel)

Exempting certain private ambulance services from the insurance code. Revised for 1st Substitute: Allowing vendors to offer, sell, or provide subscription air ambulance services.(REVISED FOR ENGROSSED: Conducting an evaluation of the feasibility of subscription air ambulance service.)

(AS OF SENATE 2ND READING 3/14/05)

Requires the office of the insurance commissioner to perform an evaluation of the feasibility of subscription air ambulance service. This evaluation shall be geared toward allowing a person, entity, corporation, or nonprofit corporation to offer, sell, and provide subscription air ambulance service. The evaluation shall: (1) Include consultation with public and private entities and individuals involved in offering, providing, and purchasing subscription air ambulance service;

(2) Assess the needs and concerns of likely subscription air ambulance vendors, including the costs of providing affordable air ambulance service to rural and island residents, as well as the burdens placed on vendors if held to the reporting and solvency requirements of the insurance code;

(3) Determine the implications of subscription air ambulance service on consumer protection issues; and

(4) Compare the state's need for affordable subscription air ambulance service to other states that allow this service, including an inquiry into the practices of out-of-state vendors who provide the service, as well as the applicability or nonapplicability of other states' insurance codes to the service.

Requires the office of the insurance commissioner to submit a report of its findings to the legislature by December 31, 2005, and the report must include recommendations based on the evaluation required under this act.

**-- 2005 REGULAR SESSION --**

Mar 2 FHC - Majority; 1st substitute bill be substituted, do pass.  
Minority; without recommendation.  
Passed to Rules Committee for second reading.

Mar 7 Made eligible to be placed on second reading.

Mar 9 Placed on second reading by Rules Committee.

Mar 14 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Mar 16 First reading, referred to Financial Institutions & Insurance.

**SB 5872-S** by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt)

Creating the department of family and children's services. Revised for 1st Substitute: Requiring findings and

recommendations regarding a department of family and children's services.(REVISED FOR ENGROSSED: Creating a task force on the administrative organization, structure, and delivery of services to children and families.)

(AS OF SENATE 2ND READING 3/14/05)

Creates a task force on the administrative organization, structure, and delivery of services to children and families to determine the most appropriate and effective administrative structure for delivery of social and health services to children and families, including juvenile rehabilitation services. The task force shall study how best to ensure that an administration has defined lines of responsibility for delivering services to families and children in need and the best means for the public to hold government accountable for delivery of those services.

Directs the task force to compare the effectiveness of including children and families services delivery within an umbrella agency, such as the current department of social and health services, with establishing a separate department for children and family services whose director reports directly to the governor and is not under the administration of an umbrella agency. The task force shall, as part of the comparison, examine the administrative structures used in other states for the delivery of services to children and families.

Requires the task force to study and report findings and recommendations on the costs, benefits, savings, or reductions in services of the various administrative and service delivery structures described in this act.

Requires the final report of the findings and recommendations to be provided to appropriate committees of the legislature by December 1, 2005.

**-- 2005 REGULAR SESSION --**

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

Mar 1 Made eligible to be placed on second reading.

Mar 11 Placed on second reading by Rules Committee.

Mar 14 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 43; nays, 0; absent, 6.

**- IN THE HOUSE -**

Mar 15 First reading, referred to Children & Family Services.