



DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Supplement No. 54*

FIFTY-NINTH LEGISLATURE

Friday, March 25, 2005

75th Day - 2005 Regular

SENATE

SB 5432-S
SB 5714
SB 5730-S
SB 5806-S
SB 6096
SB 6097

HOUSE

HB 2302
HB 2303
HB 2304

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HOUSE

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House Bills

HB 2302 by Representatives McIntire, Kenney and McCoy; by request of Governor Gregoire

Generating revenues to fund Initiative No. 728.

Recognizes that on February 3, 2005, the Washington state supreme court decided in *Estate of Hemphill v. Dep't of Rev.*, Docket No. 74974-4, that Washington's estate tax is tied to the current federal Internal Revenue Code.

Finds that the revenue loss resulting from the *Hemphill* decision will severely affect the legislature's ability to fund programs vital to the peace, health, safety, and support of the citizens of this state.

Declares an intent to address the adverse fiscal impact of the *Hemphill* decision and provide funding for Initiative No. 728 by creating a stand-alone state estate tax that is not affected by changes in federal law after 2001.

Declares an intent to provide additional funding for Initiative No. 728 by increasing the cigarette tax by twenty cents per pack through June 30, 2007, and eighty cents per pack thereafter.

-- 2005 REGULAR SESSION --

Mar 24 First reading, referred to Finance.

HB 2303 by Representatives Grant, Armstrong and McCoy

Regarding other tobacco products.

Increases other tobacco products tax revenue through various measures that include the establishment of a new tax rate coupled with enhanced enforcement provisions.

-- 2005 REGULAR SESSION --

Mar 24 First reading, referred to Finance.

HB 2304 by Representatives Sommers, McCoy and Williams; by request of Office of Financial Management

Recovering debts owed to the state for medical assistance.

Provides that, when an individual receives public assistance as defined in RCW 74.04.005 and the individual is the holder of record title to real property or the purchaser under a land sale contract, the department of social and health services may present to the county clerk for recording in the deed and mortgage records of a county a request for notice of transfer or encumbrance of the real property.

Requires a title insurance company or agent that discovers the presence of a request for notice of transfer or encumbrance under this act in the deed and mortgage records when performing a title search on real property to:

- (1) Provide the department of social and health services with a notice of transfer or encumbrance of the real property within thirty days of a transfer or encumbrance that results in the issuance of a certificate of title insurance; and

- (2) Disclose the presence of the request for notice of transfer or encumbrance in any report preliminary to, or any commitment to offer, a certificate of title insurance for the real property.

Declares that, consistent with 42 U.S.C. Sec. 1396(p), in the case of an individual who is an inpatient in a nursing facility, intermediate care facility for individuals with mental retardation, or other medical institution, with respect to

whom the department has determined after notice and opportunity for a hearing that the individual cannot reasonably be expected to be discharged from the medical institution and to return home, the department shall file liens and seek adjustment and recovery from the individual's estate or upon sale of the property subject to a lien imposed on account of medical assistance paid on behalf of the individual.

-- 2005 REGULAR SESSION --

Mar 24 First reading, referred to Appropriations.

Senate Bills

SB 5432-S by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Spanel, Swecker, Poulsen, Doumit, Regala, Rockefeller, Pridemore, Haugen, Kohl-Welles, Fraser, Jacobsen, Shin and Kline)

Creating the oil spill monitoring and oversight council. Revised for 1st Substitute: Creating the citizens' oil spill advisory council. (REVISED FOR ENGROSSED: Creating the oil spill advisory council.)

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

Declares that, in section 5002 of the federal oil pollution act of 1990, the United States congress found that many people believed that complacency on the part of industry and government was one of the contributing factors to the Exxon Valdez spill and, further, that one method to combat this complacency is to involve local citizens in the monitoring and oversight of oil spill plans. Congress also found that a mechanism should be established that fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals. Moreover, congress concluded that, in addition to Alaska, a program of citizen monitoring and oversight should be established in other major crude oil terminals in the United States because recent oil spills indicate that the safe transportation of oil is a national problem.

Establishes in the office of the governor the oil spill advisory council. The primary purpose of the council is to maintain the state's vigilance in the prevention of oil spills, while recognizing the importance of also improving preparedness and response. The council is an advisory body only.

Requires that, by December 15, 2005, the council shall recommend to the governor and appropriate committees of the legislature, proposals for the long-term funding of the council's activities and for the long-term sustainable funding for oil spill preparedness, prevention, and response activities.

Requires that, by September 1st of each year, the council shall make recommendations for the continuing improvement of the state's oil spill prevention, preparedness, and response activities through a report to the governor and the appropriate committees of the senate and house of representatives.

-- 2005 REGULAR SESSION --

- Feb 23 WEE - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
And refer to Ways & Means.
- Feb 24 Referred to Ways & Means.
- Mar 7 WM - Majority; do pass 1st substitute bill proposed by Water, Energy & Environment.
Minority; do not pass.
Minority; without recommendation.
Passed to Rules Committee for second reading.
- Mar 10 Placed on second reading by Rules Committee.
- Mar 15 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 29; nays, 17; absent, 3.
- IN THE HOUSE -**
- Mar 17 First reading, referred to Natural Resources, Ecology & Parks.

SB 5714 by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

Establishing an early detection breast and cervical cancer screening program.

(AS OF SENATE 2ND READING 3/16/05)

Declares an intent to establish an early detection breast and cervical cancer screening program as a voluntary screening program directed at reducing mortalities through early detection to be offered to eligible women only as funds are available, and only so long as the current federal funding level continues.

Requires the department to establish a medical advisory committee composed of interested medical professionals and consumer liaisons with expertise in a variety of areas relevant to breast and cervical health to provide expert medical advice and guidance. The medical advisory committee shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature no later than December 15, 2006.

-- 2005 REGULAR SESSION --

- Feb 3 First reading, referred to Health & Long-Term Care.
- Mar 2 HEA - Majority; do pass.
Passed to Rules Committee for second reading.
- Mar 15 Placed on second reading by Rules Committee.
- Mar 16 Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 48; nays, 0; absent, 1.

- IN THE HOUSE -

- Mar 17 First reading, referred to Health Care.

SB 5730-S by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Doumit, Zarelli, Eide, Shin, Rasmussen and Mulliken)

Reducing the impact of administrative rules on small businesses.

(AS OF SENATE 2ND READING 3/16/05)

Directs an agency to consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses: (1) Reducing, modifying, or eliminating substantive regulatory requirements;

(2) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(3) Reducing the frequency of inspections;

(4) Delaying compliance timetables;

(5) Reducing or modifying fine schedules for noncompliance;

(6) Establishing performance standards for small businesses to replace design or operational standards required in the proposed rules; and

(7) Any other mitigation techniques suggested by small businesses or their advocates.

Provides that, if the agency determines it cannot reduce the disproportionate impact of a rule on small businesses, the agency shall provide a clear explanation of why it has made that determination and include a statement to that effect with the notice required by RCW 34.05.320.

Requires the rules review committee to establish a small business advisory board to ensure that small business concerns are reflected in the rules review process.

-- 2005 REGULAR SESSION --

- Mar 2 ITED - Majority; 1st substitute bill be substituted, do pass.
Passed to Rules Committee for second reading.
- Mar 7 Made eligible to be placed on second reading.
- Mar 9 Placed on second reading by Rules Committee.
- Mar 16 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 18 First reading, referred to State Government Operations & Accountability.

SB 5806-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Rasmussen and Jacobsen)

Requiring child care agencies to provide additional information to parents.

(AS OF SENATE 2ND READING 3/16/05)

Declares that the purpose of this act is to establish a system, consistent throughout the state, through which parents, guardians, and other persons acting in loco parentis can obtain certain information about child care providers.

Requires the department to establish and maintain a toll-free telephone number, and an interactive web-based system through which persons may obtain information regarding child day-care centers and family day-care providers.

Provides that every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff: (1) The license issued under this act;

(2) The department's toll-free telephone number established by this act;

(3) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department;

(4) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer; and

(5) Any other information required by the department.

Requires every child day-care center and family day-care provider to have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This provision only applies to reports and notices received on or after the effective date of this act.

Requires the department to make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

Provides that every licensed child day-care center and family day-care provider shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020 or for day-care centers, is self-insured pursuant to chapter 48.90 RCW. Liability limits under this section shall be the same as set forth in RCW 48.88.050.

-- 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 16 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 43; nays, 3; absent, 3.

- IN THE HOUSE -

Mar 18 First reading, referred to Children & Family Services.

SB 6096 by Senators Poulsen, Fraser and Prentice; by request of Governor Gregoire

Generating revenues to fund Initiative No. 728.

Recognizes that on February 3, 2005, the Washington state supreme court decided in *Estate of Hemphill v. Dep't of Rev.*, Docket No. 74974-4, that Washington's estate tax is tied to the current federal Internal Revenue Code.

Finds that the revenue loss resulting from the *Hemphill* decision will severely affect the legislature's ability to fund programs vital to the peace, health, safety, and support of the citizens of this state.

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-- 2005 REGULAR SESSION --

Mar 24 First reading, referred to Ways & Means.

SB 6097 by Senators Prentice, Hewitt, Eide, Delvin, Doumit and Schoesler

Regarding other tobacco products.

Increases other tobacco products tax revenue through various measures that include the establishment of a new tax rate coupled with enhanced enforcement provisions.

-- 2005 REGULAR SESSION --

Mar 24 First reading, referred to Ways & Means.