



# WASHINGTON STATE LEGISLATURE



## Legislative Digest No. 16

### FIFTY-NINTH LEGISLATURE

Tuesday, January 31, 2006

23rd Day - 2006 Regular Session

<b>SENATE</b>	SB 5183-S2	SB 5717-S2	SB 6056-S	SB 6207-S	SB 6244-S	SB 6377-S	SB 6473-S
	SB 6512-S	SB 6728-S	SB 6861	SB 6862	SB 6863	SB 6864	SB 6865
	SB 6866	SB 6867	SB 6868	SB 6869	SB 6870	SB 6871	SB 6872
	SB 6873	SB 6874	SJM 8039				
<b>HOUSE</b>	HB 1029-S2	HB 1301-S2	HB 1827-S	HB 2217-S	HB 2419-S	HB 2420-S	HB 2446-S
	HB 2481-S	HB 2483-S	HB 2497-S	HB 2509-S	HB 2603-S	HB 2689-S	HB 2691-S
	HB 2715-S	HB 2863-S	HB 2964-S	HB 2993-S	HB 3251	HB 3252	HB 3253
	HB 3254	HB 3255	HB 3256	HB 3257	HB 3258	HB 3259	HB 3260
	HB 3261	HB 3262	HB 3263	HB 3264	HB 3265	HB 3266	HB 3267
	HB 3268	HB 3269	HB 3270				

This publication includes digest and history for bills, joint memorials, joint resolutions, concurrent resolutions, initiatives, and substitutes. Engrossed measures may be republished if the amendment makes a substantive change.

Electronic versions of Legislative Digests are available at <http://apps.leg.wa.gov/billinfo/digests.aspx?year=2006>.

### House Bills

**HB 1029-S2** by House Committee on Transportation (originally sponsored by Representatives Simpson, Rodne, B. Sullivan, and Anderson)

Regulating ATVs.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Requires the department to adopt standards for and implement a comprehensive all-terrain vehicle safety education and training program. The program must provide for the hands-on training of all-terrain vehicle operators, and for the issuance of all-terrain vehicle safety certificates to operators who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization, such as the All-Terrain Vehicle Safety Institute, and approved by the director.

Provides that the department may authorize persons, clubs, associations, municipalities, or other political subdivisions of the state to conduct classes and issue all-terrain vehicle safety certificates in the director's name. Any authorized person, club, association, municipality, or political subdivision may charge a reasonable fee, subject to department approval, for the training course.

Requires that, beginning January 1, 2008, to operate an ATV on public land a person under sixteen years of age must possess a safety certificate issued by the director or by another state or Canadian province. A nonresident who does not possess a safety certificate may operate an ATV on public land for twenty-one days in a calendar year.

Declares that no person may: (1) Cross any interstate or limited access highway;

(2) Operate an all-terrain vehicle on public land, if under sixteen years of age, without continuous adult supervision;

(3) Operate an all-terrain vehicle on public land, if under sixteen years of age, without eye protection and a safety helmet;

(4) Carry a passenger on an all-terrain vehicle on public land unless the ATV is specifically manufactured to accommodate multiple riders.

-- 2006 REGULAR SESSION --

Jan 25 TR - Majority; 2nd substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 1301-S2** by House Committee on Capital Budget (originally sponsored by Representatives Hunt, Alexander, Ormsby, Jarrett, Dunshee, Williams, and Moeller)

Creating the legislative buildings committee.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Creates the legislative buildings committee.

Declares that the legislative buildings committee has sole responsibility for: (1) Allocating internal space and establishing policy regarding the preservation of the historic character of the interior and furnishings for the Legislative building, the Cherberg building, the O'Brien building, the Newhouse building, and the Pritchard building. This responsibility includes but is not limited to offices, committee rooms, hearing rooms, workrooms, public areas, the provision of office space for the governor, and the provision of space for other statewide elected officials and other state agencies as the committee deems necessary; and

(2) Establishing policy regarding land and parking areas adjacent to the buildings identified in this act.

Requires the legislative buildings committee to coordinate with the state capitol committee in matters relating to the establishment of policies affecting buildings and land under this act.

Declares that the department of general administration is responsible for stewardship, preservation, operation, and maintenance of the Legislative building, the Cherberg building, the O'Brien building, the Newhouse building, and the Pritchard building, including land and parking areas adjacent to these buildings, subject to the policy direction of the legislative buildings committee created in this act, and the guidance of the state capitol committee and the capitol campus design advisory committee, established in RCW 43.34.010 and 43.34.080, respectively.

-- 2006 REGULAR SESSION --

Jan 26 CB - Majority; 2nd substitute bill be substituted, do pass.  
Minority; without recommendation.

**HB 1827-S** by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Condotta, McCoy, Crouse, and Conway)

Refining the definition of "bushing."

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 46.70.180 relating to financing practices of motor vehicle dealers.

-- 2006 REGULAR SESSION --

Jan 26 CL - Majority; 1st substitute bill be substituted, do pass.

**HB 2217-S** by House Committee on Local Government (originally sponsored by Representative Simpson)

Changing provisions for growth management planning.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to growth management.

-- 2006 REGULAR SESSION --

Jan 25 LG - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.

Jan 30 Referred to Appropriations.

**HB 2419-S** by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Clibborn, and McDermott; by request of Lieutenant Governor)

Raising funds for hosting the national conference of lieutenant governors.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that due to the massive devastation inflicted on the city of New Orleans by hurricane Katrina on August 29, 2005, the city of New Orleans will not be able to meet its obligation to host the national lieutenant governors' association's annual conference scheduled for July 17 through July 19, 2006.

Provides that, when soliciting gifts, grants, or donations solely for the purpose of hosting the 2006 official conference of the national lieutenant governors' association to be held in Seattle, Washington, as approved by the lieutenant governor of the state of Washington, the lieutenant governor, and his or her staff designated by the

lieutenant governor for this purpose, are presumed not to be in violation of the solicitation, receipt of gift, and conflict of interests with official duties provisions in chapter 42.52 RCW. For the purposes of this section, the national lieutenant governors' association must include among its membership the Washington state lieutenant governor. The solicitation of gifts, grants, or donations for the purpose of hosting the 2006 lieutenant governors' conference is considered an official duty.

Finds that, in recognition of the unprecedented situation created by this natural disaster, the high national visibility of this important event, and due to the limited amount of time remaining for planning and fund-raising, it is necessary to initiate fund-raising activities for this national conference as soon as possible.

-- 2006 REGULAR SESSION --

Jan 25 SGOA - Majority; 1st substitute bill be substituted, do pass.

Jan 27 Placed on second reading.

Jan 30 1st substitute bill substituted.

Rules suspended. Placed on Third Reading.

Third reading, passed; yeas, 93; nays, 2; absent, 0; excused, 3.

**HB 2420-S** by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kessler and Haigh; by request of Lieutenant Governor)

Outlining the duties of the lieutenant governor.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that as the duties and responsibilities of the office of lieutenant governor have continued to incrementally increase, they have been distributed among various noncorresponding chapters in statute.

Finds that by consolidating the duties and responsibilities of the office of lieutenant governor under one chapter it keeps our statutes consistent among the different statewide elected offices and greater facilitates the understanding of the role of the office of lieutenant governor and its many statutorily defined duties and responsibilities.

-- 2006 REGULAR SESSION --

Jan 25 SGOA - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 2446-S** by House Committee on Local Government (originally sponsored by Representatives Buri, Sump, and Haler)

Permitting certain school district substitute employee contracts.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the provisions of RCW 42.23.030 do not apply to the letting of an employment contract as a substitute teacher or substitute educational aide to an officer of a second class school district that has two hundred or fewer full-time equivalent students, if the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district and the board of directors has found, consistent with the

written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district.

-- 2006 REGULAR SESSION --

- Jan 25 LG - Majority; 1st substitute bill be substituted, do pass.  
 Jan 30 Passed to Rules Committee for second reading.

**HB 2481-S** by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Williams, Blake, Appleton, Moeller, Hasegawa, Chase, Rodne, Eickmeyer, Conway, Roberts, Hunt, and Simpson)

Insuring victims of crimes.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that access to insurance can be imperiled by the response of insurers to criminal acts. Rather than allow criminals to achieve their objectives, it is the intent of the legislature that criminals, through criminal acts, should not dictate insurance underwriting decisions. It is the intent of the legislature that courts should use restitution from perpetrators of intentional property crimes to make property owners and insurers whole.

Provides that, annually, each insurer must report underwriting actions to the commissioner if the insurer has taken an underwriting action against any insured who has filed a claim during the preceding sixty months that was the result of arson or malicious mischief. The report must include the policy number, name of the insured, location of the property, and the reason for the underwriting action.

-- 2006 REGULAR SESSION --

- Jan 26 FII - Majority; 1st substitute bill be substituted, do pass.  
 Minority; do not pass.  
 Jan 30 Passed to Rules Committee for second reading.

**HB 2483-S** by House Committee on Children & Family Services (originally sponsored by Representatives Hunter, Jarrett, Lantz, Kagi, Morrell, Ericks, and Green)

Providing a provision relating to background checks for unlicensed child care providers.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that additional safeguards are necessary in the approval for receipt of child care subsidies by unlicensed child care providers to ensure the safety of Washington's children. In order to provide the safest environment for children, the department must provide the division with known information regarding an applicants' history of child maltreatment when an applicant seeks approval for the receipt of child care subsidies.

Provides that, except as limited by chapter 49.12 RCW, at the conclusion of the division's investigation, an applicant has the right to review his or her entire investigative file, or any other file maintained by the administration relating to child maltreatment as addressed in this section and to attach rebuttals to any documents as the applicant deems necessary. Rebuttal documents shall be disclosed in the same manner as the documents to which they are attached.

Does not provide a right to access information that would otherwise be redacted by the administration for the

purpose of maintaining confidentiality of persons reporting alleged child abuse or neglect or of children who are the alleged victims of abuse or neglect. The provisions of this act do not supersede the protections provided individuals under the state whistleblower laws in chapter 42.41 RCW.

-- 2006 REGULAR SESSION --

- Jan 26 CFS - Majority; 1st substitute bill be substituted, do pass.  
 Minority; without recommendation.

**HB 2497-S** by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kilmer, Buri, Hudgins, Skinner, Green, Morrell, Linville, Ormsby, Lantz, Williams, McCoy, Appleton, Moeller, Chase, Conway, P. Sullivan, Haler, Wallace, Sells, Morris, Ericks, Upthegrove, and Woods)

Providing assistance for business owners who are active duty national guard members.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a "business loan" means a loan or extension of credit granted to a business entity that: (1) Is owned and operated by a service member, in which the service member is either (a) a sole proprietor, or (b) the owner of at least fifty percent of the entity; and

(2) Experiences a material reduction in revenue due to the service member's military service.

Provides that, upon the request of a service member with a qualifying business loan, the financial institution must restructure the interest rate of the loan to the equivalent provisions in the federal servicemembers civil relief act (50 U.S.C. App. 501 et seq.). The service member must notify the institution at least five days prior to the beginning of military service and submit official documentation that substantiates their eligibility for the protections of chapter 38.42 RCW.

Applies only to loans with an outstanding balance of less than one hundred thousand dollars at the time the service member is called to military service.

Applies only to business loans executed on or after January 1, 2007.

-- 2006 REGULAR SESSION --

- Jan 26 FII - Majority; 1st substitute bill be substituted, do pass.  
 Jan 30 Passed to Rules Committee for second reading.

**HB 2509-S** by House Committee on Local Government (originally sponsored by Representatives Takko, Morrell, Simpson, and Dickerson)

Requiring fiscal information in local tax ballot measure titles.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires that, if the ballot is a request for ad valorem taxing authority, the ballot title must also contain an amount set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount.

-- 2006 REGULAR SESSION --

- Jan 25 LG - Majority; 1st substitute bill be substituted, do pass.

Jan 27 Passed to Rules Committee for second reading.

**HB 2603-S** by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Roberts, Dickerson, Lovick, Pettigrew, Green, O'Brien, Ericks, McDonald, Tom, Appleton, Moeller, and Kagi)

Requiring a diversion record to be sealed upon the successful completion of the diversion or counsel and release.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that records shall be automatically sealed when a person who is the subject of the information or complaint turns eighteen years of age and his or her criminal history consists entirely of the one diversion agreement and there is no restitution owing in the case.

-- 2006 REGULAR SESSION --

Jan 25 JJFL - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 2689-S** by House Committee on Appropriations (originally sponsored by Representatives Bailey, Conway, Fromhold, Lovick, Quall, Simpson, and Ormsby; by request of Select Committee on Pension Policy)

Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions pertaining to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

-- 2006 REGULAR SESSION --

Jan 24 APP - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 2691-S** by House Committee on Appropriations (originally sponsored by Representatives Crouse, Fromhold, Conway, Lovick, Bailey, Kenney, and Quall; by request of Select Committee on Pension Policy)

Creating optional public retirement benefits for justices and judges.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, beginning January 1, 2007, through December 31, 2007, any member of the public employees' retirement system eligible to participate in the judicial retirement account plan under chapter 2.14 RCW may make a one-time irrevocable election, filed in writing with the member's employer, the department of retirement systems, and the administrative office of the courts, to discontinue future contributions to the judicial retirement account plan in lieu of prospective contribution and benefit provisions under this act.

-- 2006 REGULAR SESSION --

Jan 24 APP - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 2715-S** by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Ericks, Anderson, Morris, Haler, Crouse, Hankins, Nixon, Sump, P. Sullivan, Hudgins, Kilmer, Takko, Green, Sells, Clibborn, Simpson, Springer, Roberts, Ormsby, Morrell, and McIntire)

Regarding the state interoperability executive committee.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that local governments need to have interoperable communications to ensure the public safety and welfare of all citizens in the state of Washington. In light of recent catastrophic events around the world, including in the United States, it is now more important than ever that all responders be able to communicate clearly and without interference or malfunction.

Finds that the legislature has learned that numerous states, the federal government, and some international governments have adopted the project-25 standard for interoperable communications. Local governments in Washington have started to purchase the project-25 interoperable communication standard equipment. In order to ensure that local governments continue to make smart purchasing decisions, they need certainty that the purchases will be interoperable with state equipment and that the state will adopt the national project-25 standards. It is the intent of this act to provide certainty to local governments that a statewide project-25 interoperable communications system will be in place throughout Washington in the near future, and the investments they are making are advantageous to the original intent of interoperable communications, thus ensuring the safety and welfare of Washington's citizens.

-- 2006 REGULAR SESSION --

Jan 24 TEC - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 2863-S** by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Ericks, McDonald, Simpson, and Santos)

Requiring lenders to consider retail installment contracts for the purchase of motor vehicles.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, if a retail installment contract for the purchase of a motor vehicle meets the requirements of chapter 63.14 RCW and contains information required by federal law to be disclosed in a retail installment contract for the purchase of a motor vehicle, the retail installment contract shall be accepted for consideration by any lender, except for lenders licensed and regulated under the provisions of chapter 31.04 RCW, to whom application is made for credit relating to the retail installment contract.

-- 2006 REGULAR SESSION --

Jan 26 FIL - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Passed to Rules Committee for second reading.

**HB 2964-S** by House Committee on Children & Family Services (originally sponsored by Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green, and Simpson; by request of Governor Gregoire)

Creating the department of early learning.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

Declares that the purpose of this act is: (1) To establish the department of early learning, the purpose of which is to coordinate and consolidate child care and early learning programs;

(2) To safeguard the health, safety, and well-being of children receiving child care and early learning services, which is paramount over the right of any person to provide care;

(3) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

(4) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

(5) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

-- 2006 REGULAR SESSION --

Jan 25 CFS - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Referred to Appropriations.

**HB 2993-S** by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Moeller and Darneille)

Modifying provisions concerning at-risk youth proceedings.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that if the basis of the at-risk youth order is a finding that the child is at risk due to a possible substance abuse or mental health problem, the court may only impose confinement for up to two days as a sanction for the first contempt of court violation. If the child commits a further violation after having been confined for up to two days, the court may impose up to an additional seven days of confinement if the basis of the new contempt of court finding is that the youth committed the same violation as found by the court in the first contempt of court order. The court may not find a youth in contempt of court for failing to obtain an evaluation or services, if the evaluation or services were not available to the youth.

Requires the Washington state institute for public policy to conduct a study of the juvenile court system to evaluate the use of confinement for youth who are found in

contempt of court in nonoffender proceedings under RCW 13.32A.250 or 28A.225.090. The institute shall issue a report containing its findings to the legislature by December 1, 2007. The evaluation shall include the following information: (1) How often youth are found in contempt in nonoffender cases;

(2) What are the bases of the violations for which youth are found in contempt;

(3) What are the bases for the underlying petitions;

(4) How often is confinement ordered as a sanction for contempt of court in a nonoffender proceeding;

(5) How often are sanctions other than detention ordered by the court and what has been the effectiveness of these sanctions; and

(6) What is the rate of subsequent compliance with the orders following a finding of contempt.

-- 2006 REGULAR SESSION --

Jan 25 JJFL - Majority; 1st substitute bill be substituted, do pass.

Jan 30 Referred to Appropriations.

**HB 3251** by Representatives Santos and Pettigrew

Modifying the special stadium sales and use tax imposed on food and beverages.

Revises the special stadium sales and use tax imposed on food and beverages.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Finance.

**HB 3252** by Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams, and Hasegawa

Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.

Requires that, if the conviction results from a guilty plea, the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit he or she committed all of the elements of the crime to which the offender is pleading guilty. This alternative is not available to offenders who plead guilty to the offense charged under *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L. Ed.2d 162 (1970) and *State v. Newton*, 87 Wash.2d 363, 552 P.2d 682 (1976).

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Criminal Justice & Corrections.

**HB 3253** by Representatives Simpson, Dunn, Kilmer, and Williams

Requiring house of representatives and senate confirmation for members of the growth management hearings boards.

Requires house of representatives and senate confirmation for members of the growth management hearings boards.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Local Government.

**HB 3254** by Representatives McDermott, Appleton, and Hasegawa

Providing remedies for persons wrongfully convicted and imprisoned.

Declares an intent that persons who can demonstrate that they were wrongfully convicted be able to recover damages.

Finds that persons who have been wrongfully convicted of crimes and subsequently imprisoned have been uniquely victimized, and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law, and that in light of the particular and substantial horror of being wrongfully convicted, such persons should have an available avenue of redress over and above the existing tort remedies to seek compensation for damages.

Provides that, in light of the substantial burden of proof that must be carried by such persons, it is the intent of the legislature that the court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted under this act, may, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence, or other factors not caused by such persons or those acting on their behalf.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Judiciary.

**HB 3255** by Representatives McDermott, Cody, Kenney, Grant, and Chase

Allowing the sale of alcoholic beverages on state ferries.

Allows the sale of alcoholic beverages on state ferries.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**HB 3256** by Representatives Upthegrove, B. Sullivan, Wood, Takko, Simpson, Murray, Flannigan, Hudgins, and Chase

Authorizing the sale of hybrid and hydrogen vehicles over the internet.

Declares an intent to reduce air pollution and dependence on foreign oil and to combat global warming, by enacting an innovative project in new car sales competition. This act removes anticompetitive car dealer restrictions on the sale of new hybrid and hydrogen vehicles by allowing automobile manufacturers, internet retailers, and other businesses to engage in the sale of new hybrid and hydrogen vehicles as long as those entities comply with relevant state tax, environmental, and consumer protection laws.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Commerce & Labor.

**HB 3257** by Representatives McCune, Clements, Kristiansen, Roach, Haler, Jarrett, McDonald, and Campbell

Concerning state capital funding assistance for fire districts.

Amends RCW 43.155.020 relating to state capital funding assistance for fire districts.

-- 2006 REGULAR SESSION --  
Jan 30 First reading, referred to Capital Budget.

**HB 3258** by Representatives Morris, Simpson, Wallace, and Chase

Concerning mileage fees for diesel.

Amends RCW 46.16.125 relating to mileage fees for diesel.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**HB 3259** by Representatives Murray and Ericks

Modifying state environmental policy for significant transportation projects.

Provides that, if the alternatives to the proposed action are for a significant transportation project that exceeds fifty million dollars in total cost, the responsible official shall seek legislative review and approval of: (1) The criteria used to analyze alternatives to the project;

(2) Alternatives of the proposed action for consideration; and

(3) The alternative selected.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**HB 3260** by Representative Moeller

Addressing boundary review board disbandings.

Provides that when a county and the cities and towns within the county have adopted a comprehensive plan and consistent development regulations under chapter 36.70A RCW, the county may submit a ballot measure to the voters of the county proposing the disbanding of the boundary review board. If two-thirds of the voters voting on the measure approve the disbanding, the county legislative authority may disband the boundary review board in that county.

Provides that a boundary review board subject to disbandment under this act: (1) Must complete all pending actions before the board prior to disbanding; and

(2) May not accept additional requests for new reviews of proposed actions after the county legislative authority authorizes the disbanding.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Local Government.

**HB 3261** by Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer, and Williams

Strengthening the review process by the indeterminate sentence review board.

Strengthens the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Criminal Justice & Corrections.

**HB 3262** by Representatives Springer, Clibborn, and Ericks

Authorizing the establishment of annexation capital facilities districts.

Finds that it is in the interests of the people of the state of Washington to be able to establish annexation capital facilities districts as municipal corporations and independent taxing units to facilitate the annexation of unincorporated areas that lie within designated urban growth areas.

Declares an intent that these municipal corporations act in cooperation with an annexing city and the county or counties in which they are located in order to facilitate annexation by cooperating in the construction, improvement, operation, and maintenance of capital facilities within the district. This authority is intended to work in conjunction with the authority granted under chapter . . . (House Bill No. . . . (H-4482.1/06)), Laws of 2006 to apply real estate excise tax revenues to other costs of annexation.

Provides that this act takes effect July 1, 2006, only if chapter . . . (House Bill No. . . . (H-4482.1/06)), Laws of 2006 is signed by the governor. If chapter . . . (House Bill No. . . . (H-4482.1/06)), Laws of 2006 is not signed by the governor by July 1, 2006, this act is null and void.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Local Government.

**HB 3263** by Representatives Springer and Ericks

Authorizing the use of real estate excise taxes to offset costs of annexation.

Finds that it is in the interests of the people of the state of Washington to facilitate the annexation of unincorporated areas that lie within designated urban growth areas. This act is intended to permit cities to apply real estate excise tax revenues that would otherwise be restricted to capital purposes to offset the costs associated with such annexations. This authority is intended to work in conjunction with the establishment of an annexation capital facilities district under House Bill No. . . . (2006).

Authorizes the legislative authority of any city for which an annexation capital facilities district has been established under chapter 35.-- RCW (H-4485/06), to apply all or a portion of the revenues received from the tax imposed under RCW 82.46.010 to the costs of annexation identified in an annexation cost study completed under RCW 82.46.010(1). The total amount of revenues applied to annexation costs shall not exceed the amount dedicated to capital purposes by the annexation facilities district under chapter 35.-- RCW (H-4485/06).

Declares that this act takes effect July 1, 2006, only if chapter . . . (House Bill No. . . . (H-4485/06)), Laws of 2006 is signed by the governor. If chapter . . . (House Bill No. . . . (H-4485/06)), Laws of 2006 is not signed by the governor by July 1, 2006, this act is null and void.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Local Government.

**HB 3264** by Representatives Springer, Rodne, Strow, Ericks, Buri, Jarrett, Hunter, Dunn, and Morrell

Changing provisions relating to condemnation proceedings.

Recognizes that in condemnation proceedings individual property owners are often severely disadvantaged in trying to compete with the resources available to many of the entities, both governmental and corporate, that possess the power of eminent domain.

Finds that individual property owners are often effectively coerced into selling their property because they cannot afford to contest a condemnation proceeding. The legislature further finds that the current law does not properly encourage entities with the power of eminent domain to exercise that power as sparingly as possible.

Declares an intent to provide property owners with the possibility of more realistic reimbursement of costs they may incur in responding to a threatened condemnation of their property, and to require the exploration of alternatives to condemnation before the power of eminent domain is used.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Judiciary.

**HB 3265** by Representative Roach

Allowing the nonduplication of benefits payable under underinsured motorist coverage.

Provides that the policy may provide that any medical, funeral, or household services expense, or any loss of income, that is paid or payable as a personal injury protection coverage benefit or a medical payments coverage benefit under any motor vehicle insurance policy, or as a workers compensation or similar disability policy benefit, is not payable under underinsured motor vehicle coverage. However, a nonduplication policy provision may not reduce the limits of underinsured motor vehicle coverage otherwise available to an injured person.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Financial Institutions & Insurance.

**HB 3266** by Representatives Rodne, Simpson, Anderson, and Hudgins

Designating state route number 169 as a highway of statewide significance.

Designates state route number 169 as a highway of statewide significance.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**HB 3267** by Representatives Condotta, Armstrong, Dunn, Morrell, and McCune

Authorizing purple heart special license plates.

Provides that the department may issue special license plates denoting that the applicant of the plate has been awarded the purple heart medal if the person: (1) Is a Washington resident;

(2) Was issued the purple heart medal by any branch of the United States armed forces, including the merchant marines and the woman's air forces service pilots;

(3) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(4) Is an owner, co-owner, lessee, or colessee of a vehicle requiring two license plates.

Provides that the department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge plate fees or additional fees for these special license plates.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**HB 3268** by Representatives Blake and Buck

Creating the crime of unlawfully hunting upon the property of another.

Provides that a person is guilty of unlawfully hunting upon the property of another if the person enters or remains unlawfully in or upon premises of another, as "enters or remains unlawfully" is defined in RCW 9A.52.010, and hunts for wild animals or wild birds.

Declares that unlawfully hunting upon the property of another is a misdemeanor.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Natural Resources, Ecology & Parks.

**HB 3269** by Representatives Grant, Kessler, Buck, Kretz, Newhouse, B. Sullivan, and Dunn

Authorizing smoking rooms.

Declares that "smoking room" means a room in a public place designated as a smoking room in which persons under the age of eighteen are prohibited and in which smoking is permitted. Smoking rooms must meet the ventilation requirements of federal and state laws, rules, and regulations.

Authorizes a person to smoke in a smoking room.

Provides that employees may not be required to enter a smoking room in the course of their employment.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Health Care.

**HB 3270** by Representatives Woods, Kilmer, Jarrett, Morris, Skinner, Hankins, and Haigh

Funding passenger-only ferry systems through sale or disposition of existing passenger-only vessels.

Declares an intent to provide funding to passenger-only ferry systems operated by Washington state ferries or local governments through the sale or disposition of existing Washington state ferries' passenger-only vessels. Until the funds provided by the sale or disposition of these vessels become available, it is the intent of the legislature to fund passenger-only ferry systems from other available funds.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

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## Senate Bills

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**SB 5183-S2** by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Franklin, Thibaudeau, Rockefeller, Kastama, Fraser, Keiser, Regala, Weinstein, Hargrove, Doumit, Shin, Brandland, Kline, Kohl-Welles, Poulsen, Jacobsen, and McAuliffe)

Providing tax relief to promote affordable housing.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Provides that a seller of a low-cost single-family dwelling unit constructed by the seller who has paid the tax levied by RCW 82.08.020 is eligible for an exemption in the form of a remittance, provided that the low-cost single-family dwelling unit is sold to a qualified low-income buyer for use as that buyer's primary residence. The amount of the remittance shall be computed under this act and shall be based on the state share of sales tax under RCW 82.08.020.

Provides that a seller of a low-cost single-family dwelling unit claiming an exemption from the state tax in the form of a remittance under this act must pay the tax imposed by RCW 82.08.020. After the low-cost single-family dwelling unit is sold, the seller may then apply to the department for a remittance of fifty percent of the tax paid under RCW 82.08.020 on: (1) Tangible personal property incorporated as an ingredient or component of the low-cost single-family dwelling unit during the course of constructing such dwelling unit;

(2) Charges made for labor and services rendered in respect to the constructing of the low-cost single-family dwelling unit; and

(3) Charges made for labor and services rendered in respect to installing building fixtures during the course of constructing the low-cost single-family dwelling unit.

-- 2006 REGULAR SESSION --

Jan 27 FHC - Majority; 2nd substitute bill be substituted, do pass.  
And refer to Ways & Means.  
Referred to Ways & Means.

**SB 5717-S2** by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shin, Rasmussen, and Kohl-Welles)

Requiring a study on the availability and use of skill centers.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Finds that skill centers provide students with high quality educational opportunities through programs that combine academics with career and technical education.

Finds that skill centers provide extremely valuable support to local businesses seeking skilled entry-level employees and to communities attempting to enhance local economic development opportunities.

Finds that skill centers permit a number of school districts to cooperatively offer programs that the school districts cannot provide individually.

Directs the work force training and education coordinating board, in collaboration with the office of the



superintendent of public instruction, to conduct a study and report back to the 2007 legislature regarding how best to provide increased opportunities for students living in areas of the state that are currently not adequately served by a skill center. If plausible, the work force training and education coordinating board, in collaboration with the office of the superintendent of public instruction, shall provide preliminary recommendations to Washington Learns by June 2006.

-- 2006 REGULAR SESSION --

Jan 27 EKHE - Majority; 2nd substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

**SB 6056-S** by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Rasmussen)

Regarding certified animal massage practitioners.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides for the certification of animal massage therapists.

-- 2006 REGULAR SESSION --

Jan 27 ARED - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

**SB 6207-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Morton, Poulsen, and Kline)

Reauthorizing the pollution liability insurance agency.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Reauthorizes the pollution liability insurance agency.  
Repeals RCW 70.148.900, 70.149.900, and 82.23A.902.

-- 2006 REGULAR SESSION --

Jan 27 WEE - Majority; 1st substitute bill be substituted, do pass.  
On motion, referred to Ways & Means.

**SB 6244-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles, and Spanel; by request of Department of Ecology)

Changing provisions relating to oil spill prevention, preparedness, and response.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires that the department shall by rule adopt procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional

drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

-- 2006 REGULAR SESSION --

Jan 27 WEE - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

**SB 6377-S** by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Doumit, Rasmussen, Schoesler, Swecker, Morton, Zarelli, Shin, and Pflug)

Changing the regulation of milk and milk products.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the existing definition of "sale" as provided in chapter 15.36 RCW includes arrangements known as "cow shares," in which one or more individuals purchase one or more shares in a milk-producing animal in return for a portion of the milk that is produced. It is the intent of the legislature to clarify that the existing definition includes these arrangements.

Authorizes the director to issue a cease and desist order to any person whom the director has reason to believe is engaged in an activity for which a license is required by chapter 15.36 RCW. The person to whom such notice is issued may request an adjudicative proceeding to contest the order.

Declares that it is unlawful for any person to sell raw milk from a dairy farm that is not licensed as a milk producer or a milk processing plant under chapter 15.36 RCW.

Declares that the sale of raw milk from a dairy farm that is not licensed as a milk producer and a milk processing plant under this act constitutes: (1) For the first offense, a gross misdemeanor; and

(2) For the second and subsequent offenses, a class C felony punishable according to chapter 9A.20 RCW.

Provides that neither the issuance of a cease and desist order nor payment of a civil penalty relieves the person so selling raw milk from criminal prosecution, but the remedy of a cease and desist order or civil penalty is in addition to any criminal liability.

-- 2006 REGULAR SESSION --

Jan 27 ARED - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

**SB 6473-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton, and Rockefeller)

Eliminating the requirement that telecommunications companies file price lists.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Eliminates the requirement that telecommunications companies file price lists.

-- 2006 REGULAR SESSION --

Jan 27 WEE - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

**SB 6512-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Pridemore, Honeyford, Poulsen, Mulliken, Regala, Rockefeller, Delvin, and Kline)

Enhancing air quality at truck stops.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Recognizes that the air quality around idling heavy duty diesel vehicles at truck stops can contribute to unhealthy conditions. Idling vehicles not only consume up to one billion gallons of diesel fuel a year, but also contribute to air pollution by releasing fine particles, volatile organic compounds, carbon monoxide, carbon dioxide, and nitrogen oxides. These emissions contribute to deteriorating human health conditions, including asthma, heart disease, cancer, and aggravated allergies. Idling vehicles also contribute to driver fatigue through exposure to noise, vibration, and elevated levels of carbon monoxide and other pollutants.

Declares that Washington state seeks to encourage private entities to address this source of air pollution by providing incentives to those who provide the infrastructure and services that support the use of auxiliary power through onboard or stand-alone electrification systems.

-- 2006 REGULAR SESSION --

Jan 27 WEE - Majority; 1st substitute bill be substituted, do pass.  
And refer to Ways & Means.  
Referred to Ways & Means.

**SB 6728-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Swecker, Fairley, Prentice, Spanel, Thibaudeau, and Franklin)

Regarding a seller's disclosure of information concerning unimproved real property zoned residential.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions regarding a seller's disclosure of information concerning unimproved real property zoned residential.

-- 2006 REGULAR SESSION --

Jan 27 WEE - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

**SB 6861** by Senators Delvin, Poulsen, Mulliken, Morton, and Honeyford

Requiring a study of competing interests of domestic water users.

Directs the department of ecology to, by December 31, 2006, study and prepare a report to the appropriate committees of the legislature on ways that the department and other stakeholders can better understand the competing interests of domestic surface water users and other surface water users in regards to limited water supplies who are affected by a curtailment of domestic water right use that has been enacted by a court order.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Water, Energy & Environment.

**SB 6862** by Senator Pridemore

Requiring construction contractors to display their licenses and certificates.

Finds that dishonest construction contractors sometimes hire persons without proper licensing and certification to do electrical, plumbing, and conveyance work. This practice gives honest contractors an unfair competitive disadvantage and leaves workers and customers vulnerable. Requiring persons with proper licensing and certification to visibly display their licenses and certificates while doing such work will help address the problems of the underground economy in the construction industry, level the playing field for honest contractors, and protect workers and consumers.

Requires certificate holders to wear and visibly display their certificates while engaging in the electrical construction trade. A certificate holder need not wear and visibly display his or her certificate if doing so would create a danger or unsafe condition for the certificate holder or for the public, as long as the certificate holder can demonstrate proof of his or her certificate to electrical inspectors appointed by the director of labor and industries and by the officials of incorporated cities and towns where electrical inspections are required by local ordinances.

Requires licensees to wear and visibly display their licenses while performing conveyance work. A licensee need not wear and visibly display his or her license if doing so would create a danger or unsafe condition for the licensee or for the public, as long as the licensee can demonstrate proof of his or her license to an elevator inspector of the department or an elevator inspector of a municipality having in effect an elevator ordinance under RCW 70.87.200.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Labor, Commerce, Research & Development.

**SB 6863** by Senators Kline and Keiser

Addressing credit card applications and rates.

Finds that the number of unrequested solicitations to residents for credit cards is a cause for concern and consider them to be a violation of the consumer protection laws of Washington state.

Finds that rising interest rates on credit cards regularly far exceed the state usury limit. The legislature finds many of the credit card industry's practices and interest rates to be unethical. The legislature intends to tax the amounts raised by interest rates that exceed the usury rate at a higher tax rate. The additional tax revenues shall be deposited into the vocational education enhancement account.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Financial Institutions, Housing & Consumer Protection.

**SB 6864** by Senators Kline and Johnson

Changing provisions relating to persons receiving the drug offender sentencing alternative.

Provides that in no case shall an offender sentenced to the drug offender sentencing alternative, RCW 9.94A.660,

aggregate earned early release time exceeding ten percent of the period of total confinement.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Judiciary.

**SB 6865** by Senators Kline, Kohl-Welles, Rasmussen, and Pflug

Calling for a study of the service needs of people with developmental disabilities.

Directs the Washington institute for public policy to conduct a study and comparison of the characteristics and service needs of clients of the division of developmental disabilities who are not receiving paid services by the division and those who are receiving paid services. The institute shall design a sampling strategy to guide the department of social and health services in conducting assessments such that assessment data would be available on a statistically valid sample of the clients not receiving paid services by the division of developmental disabilities to compare to a sample of clients receiving paid services.

Requires that not later than November 1, 2006, the institute shall report to the governor and the legislature including, but not necessarily limited to: (1) The nature and severity of the service needs of clients receiving and not receiving paid services by the division;

(2) Demographic information, including income information, for those receiving and not receiving paid services by the division;

(3) An analysis of the differences between the two groups.

Requires that, not later than June 30, 2007, the institute shall provide a six-year estimate of service needs of the state's population of individuals with developmental disabilities, done in conjunction with the caseload forecast council.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Health & Long-Term Care.

**SB 6866** by Senators Regala, Oke, Doumit, Parlette, Jacobsen, Morton, and Rasmussen

Redirecting certain moneys to the state wildlife account.

Redirects certain earnings and fees to the state wildlife account.

Repeals RCW 77.32.510.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Ways & Means.

**SB 6867** by Senators Pflug, Shin, Eide, Weinstein, McAuliffe, Schmidt, Carrell, Rasmussen, Kohl-Welles, and Franklin

Establishing a joint legislative task force on life sciences.

Finds that Washington has long been one of the nations' premier centers for the medical device and biotechnology industries, but that the growth in life sciences jobs in the state has stagnated since 2002.

Finds that the state lags in investments in medical device and biotechnology manufacturing and has a relatively low supply of advanced degrees in the life sciences.

Declares an intent to identify weaknesses in the state's support for the life sciences and to craft a comprehensive strategy and implementation plan for growth in the life sciences sector of the state's economy.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Labor, Commerce, Research & Development.

**SB 6868** by Senators Mulliken, Rasmussen, and Schoesler

Providing excise tax exemptions for aircraft fuel used for crop dusting activities.

Provides excise tax exemptions for aircraft fuel used for crop dusting activities.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Agriculture & Rural Economic Development.

**SB 6869** by Senators Sheldon, Swecker, Prentice, Rasmussen, Roach, Berkey, Hargrove, Brandland, Shin, and Franklin

Authorizing fuel tax contracts between Indian tribes and the state.

Declares an intent to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into contracts concerning the sale of motor vehicle fuels and special fuels.

Finds that these tax contracts will provide a means to address critical transportation and law enforcement needs in Indian country, and provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's fuel tax laws, ultimately saving the state money and reducing conflict.

Declares that this act does not constitute a grant of taxing authority to any Indian tribe nor does it provide a precedent for the taxation of non-Indians on fee land.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**SB 6870** by Senator Haugen

Funding the board of pilotage commissioners' training program.

Provides \$917,000 for the Board of Pilotage Commissioners.

Declares that the appropriation in this act is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**SB 6871** by Senator Kastama

Removing members of the legislature from state health care coverage.

Amends RCW 41.05.011 to remove members of the legislature from state health care coverage.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Government  
Operations & Elections.

**SB 6872** by Senators Kohl-Welles, Poulsen, and Kline  
Modifying transportation services provided by local  
governments.  
Revises transportation services provided by local  
governments.  
Repeals provisions of chapter 35.95A RCW.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**SB 6873** by Senator Keiser

Allowing the state director of fire protection to refuse  
membership in the public employees' retirement system.  
Authorizes the state director of fire protection to refuse  
membership in the public employees' retirement system.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Ways & Means.

**SB 6874** by Senators Doumit, Zarelli, Hargrove,  
Morton, Sheldon, and Rasmussen

Providing tax incentives for persons who extract,  
manufacture, or process timber.  
Provides tax incentives for persons who extract,  
manufacture, or process timber.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Ways & Means.

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### Senate Joint Memorials

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**SJM 8039** by Senators Brown, Kohl-Welles, Franklin,  
Pridemore, and Thibaudeau

Requesting changes to the Medicare Modernization Act.  
Requests changes to the Medicare Modernization Act.

-- 2006 REGULAR SESSION --

Jan 30 First reading, referred to Health & Long-  
Term Care.