

SENATE COMMITTEE SERVICES

BILLS PASSED
DURING THE 2009 LEGISLATIVE SESSION

FINAL REPORT INCLUDES GOVERNOR'S ACTION

BY COMMITTEE OF ORIGIN



April 26, 2009, Sine Die
(Updated 5/20/09)



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AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

786-7411

SSB 5350: CHANGING SPECIAL PERMIT PROVISIONS FOR POULTRY SLAUGHTER, PREPARATION, AND CARE

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- Producers of all species of poultry may apply for a special permit to slaughter and directly sell poultry to the ultimate consumer on the producer's farm.
- The same health and sanitation rules and inspections that now apply to the on-farm slaughter of chickens will apply to other species of poultry.
- The fee for a one-year permit is \$75 and for a two-year permit is \$125.

ESSB 5437: REGARDING THE OPERATION AND AUTHORITY OF THE STATE CONSERVATION COMMISSION

Prime Sponsor: Senator Schoesler

**Signed by the Governor*

- The State Conservation Commission (Commission) may seek and accept grants, gifts, and endowments.
- The Commission may contract for or conduct conferences, seminars, and training sessions and recover its costs. It may provide reimbursement and meals to participants in meetings and events.
- The Commission must be given offices at the Department of Ecology central office only as long as the Commission and the Office of Financial Management deem it appropriate and financially justifiable.
- Commission members are eligible for \$100 per diem compensation when performing Commission duties.

SSB 5677: REGARDING THE DAIRY NUTRIENT MANAGEMENT PROGRAM

Prime Sponsor: Senator Hatfield

**Signed by the Governor*

- Specific authority is provided for the Department of Agriculture to obtain access to inspect dairy farms for compliance with dairy nutrient management requirements rather than having to rely on the statutory authority of the Department of Ecology. If access is denied, authority is provided to apply to court for a search warrant.
- The time period for maintaining records of nutrient applications is extended from three years to five years.
- Failure to maintain nutrient application records, by itself, can be a violation.

SSB 5765: REGARDING THE FRUIT AND VEGETABLE DISTRICT FUND

Prime Sponsor: Senator Schoesler

(HB 1681 Representative Newhouse)

**Signed by the Governor*

- To assure that apples meet quality standards, \$150,000 in the Fruit and Vegetable Inspection Account is transferred to the Plant Pest Account solely for the control of apple maggot.
- Any funds that are not expended by July 1, 2013, will be returned to the Fruit and Vegetable Inspection Account.

SSB 5797: REGARDING EXEMPTIONS FROM SOLID WASTE HANDLING PERMIT REQUIREMENTS

Prime Sponsor: Senator Haugen

(HB 1135 Representative McCoy)

**Signed by the Governor*

- Anaerobic digesters are exempt from solid waste permitting if they comply with Department of Ecology (DOE) and Washington State Department of Agriculture (WSDA) guidelines for codigestion of livestock manure and organic waste-derived material, and meet certain other requirements.
- DOE and WSDA, in consultation with the Department of Health, must issue guidelines by August 1, 2009.

SB 5817: CONCERNING CURRENT USE VALUATION OF FARM AND AGRICULTURAL LANDS

Prime Sponsor: Senator Becker

(HB 1232 Representative Hinkle)

**SB 5817 was not enacted, but the provisions are substantially similar to those in EHB 1815 and SHB 1733.*

SSB 5839: REGARDING THE ADMINISTRATION OF IRRIGATION DISTRICTS

Prime Sponsor: Senator Schoesler

**Signed by the Governor*

- Irrigation districts may contract or form separate entities with public and private entities to purchase and sell power and to develop and own power generating and transmitting facilities.
- Districts may condition approval of subdivisions to preserve district facilities and limit risk. Districts may contract for transfer of operations and maintenance of federal reclamation works, but contracts do not impute to districts negligence for design or construction defects.
- Language requiring district directors to fix per diem compensation by resolution is deleted and the amount is set at \$90 per day, periodically adjustable for inflation.

SB 5974: REGARDING NONAMBULATORY LIVESTOCK

Prime Sponsor: Senator Morton

**Signed by the Governor*

- Persons who illegally transport live non-ambulatory livestock may be cited by the Department of Agriculture and subject to a civil fine of up to \$1,000.
- The civil fine is an alternative to criminal prosecution as a misdemeanor under current law.

SB 6063: CONCERNING ELIGIBILITY OF LANDS USED FOR EQUESTRIAN RELATED ACTIVITIES FOR CURRENT USE VALUATION PROGRAMS

Prime Sponsor: Senator Ranker

(SHB 1733 Representative Goodman)

**SB 6063 was not enacted, but the provisions are substantially similar to those in SHB 1733 passed by the Ways and Means Committee.*

SB 6092: CREATING A TASK FORCE TO STUDY MILK PRICING CONCERNS IN WASHINGTON STATE

Prime Sponsor: Senator Hatfield

**The concept in SB 6092 is incorporated into the operating budget as a proviso. (Vetoed in the budget)*

- ~~To address major fluctuations in milk prices received by dairy farmers, the Department of Agriculture is to convene meetings with the dairy industry and affected parties to consider alternatives for stabilizing milk prices.~~
- ~~The findings are to be reported to the appropriate committees of the Legislature and the Office of Financial Management by December 5, 2009.~~

HB 1137: PROTECTING LANDOWNERS' INVESTMENTS IN CHRISTMAS TREES

Prime Sponsor: Representative Finn

**Signed by the Governor*

- Provisions are repealed that limited recovery of damages from persons injuring or removing Christmas trees without permission to \$1 per tree if payment was made immediately upon demand and \$3 per tree in a civil action.
- Provisions authorizing plaintiffs, including the state, to recover treble damages from persons injuring or removing timber without lawful authority are revised to specifically include Christmas trees.
- A provision specifying that trespass upon state public lands and injuring or removing timber constitutes theft is revised to include Christmas trees.

SHB 1254: CREATING THE WASHINGTON GRAIN COMMISSION

Prime Sponsor: Representative Schmick

(SB 5076 Senator Schoesler)

**Signed by the Governor*

- Consolidates the Wheat Commission and the Barley Commission into a single Grain Commission.
- Does not alter current assessment levels on wheat and barley.
- Specifies that funds collected from barley assessments be spent on barley programs and funds collected from wheat assessments be spent on wheat programs.

SHB 1271: REGARDING THE PREPARING AND ADMINISTRATION OF DRUGS BY REGISTERED OR LICENSED VETERINARY PERSONNEL

Prime Sponsor: Representative Haigh

**Signed by the Governor*

- Licensed veterinary technicians may administer drugs to animals under the indirect supervision of a licensed veterinarian. The licensed veterinarian must give final approval of any prescription.

HB 1295: ANNEXING AREAS USED FOR AGRICULTURAL FAIRS

Prime Sponsor: Representative Warnick

**Signed by the Governor*

- A city proposing to annex county-owned agricultural fairgrounds must submit the proposal to the county. The county legislative authority may modify the proposal but may not add territory. Approval by the county legislative authority is required and there is no appeal of its decision.
- If the county legislative authority determines that proceedings may continue, it must satisfy public notice and hearing requirements. If, following a hearing, the county legislative authority deems the proposal to be in the county's best interest, it may approve annexation.

HB 1682: CONCERNING HORTICULTURAL PEST AND DISEASE BOARDS

Prime Sponsor: Representative Newhouse

(SB 5764 Senator Schoesler)

**Signed by the Governor*

- If there are no qualified producers residing within the county, a nonresident who owns property in the county and is engaged in the production of a horticultural product may be appointed as a member of a county horticultural pest and disease board.

SHB 1751: CONCERNING THE TIME PERIOD DURING WHICH SALES AND USE TAX FOR PUBLIC FACILITIES IN RURAL COUNTIES MAY BE COLLECTED

Prime Sponsor: Representative Kessler

(SSB 5605 Senator Hargrove)

**Signed by the Governor*

- The number of years a qualifying rural county may retain 0.09 percent of the 6.5 percent state sales tax for economic development purposes is extended to 25 years after the 0.09 percent rate was first adopted by that county.
- This extends the period from approximately year 2024 to year 2032 to provide a long-term source of funding for rural county economic development projects and activities.

EHB 1815: CONCERNING CURRENT USE VALUATION UNDER THE PROPERTY TAX OPEN SPACE PROGRAM

Prime Sponsor: Representative Sullivan

(SB 5792 Senator Sheldon)

**Signed by the Governor*

**SB 5817 was not enacted, but included provisions substantially similar to those in EHB 1815.*

- Parcels between 5 and 20 acres used primarily to produce Christmas trees, fruit trees, vineyards, and other perennial crops qualify for current use valuation if at least \$100 per acre has been invested in production of the crop and there is an expectation of harvest within seven years.
- Parcels between 5 and 20 acres used primarily to produce short-rotation hardwoods qualify for current use valuation if at least \$100 per acre has been invested and there is an expectation of harvest within 15 years.
- For any parcel determined to no longer be eligible for current use valuation, the notice from the county assessor to the landowner is to also include information on the appeal process.

ESHB 2278: CONCERNING THE SALES AND USE TAX EXEMPTION FOR LIVESTOCK NUTRIENT MANAGEMENT EQUIPMENT AND FACILITIES

Prime Sponsor: Representative Pettigrew

**ESHB 2278 is incorporated in its entirety into SB 6170 passed by the Ways & means Committee.*

EARLY LEARNING & K-12 EDUCATION

786-7420

SB 5074: CONCERNING SCOLIOSIS SCREENING IN SCHOOLS

Prime Sponsor: Senator Marr

** SB 5074 was not enacted, but similar provisions are in HB 1322.*

SSB 5229: REGARDING THE LEGISLATIVE YOUTH ADVISORY COUNCIL (LYAC)

Prime Sponsor: Senator McAuliffe

(HB 1783 Representative Liias)

**Signed by the Governor*

- Changes to the operation of the LYAC are made: (1) LYAC is authorized to solicit, not merely accept, grants and donations from public and private sources to support the activities of the LYAC; (2) the Lt. Governor's selection process of the LYAC members must be done within existing staff and resources; (3) the Office of the Superintendent of Public Instruction administration of the program and the duties of the LYAC, including meetings and travel reimbursement, are contingent on sufficient funds being available from any source.
- The expiration date of June 30, 2009, is removed to enable LYAC to continue.

SSB 5248: ENACTING THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Prime Sponsor: Senator Hobbs

(HB 1075 Representative Rolfes)

**Signed by the Governor*

- The Interstate Compact for Educational Opportunity for Military Children (Compact) is enacted for the stated purpose of removing barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.
- The Compact, including changes recommended by a task force, and the corresponding state law changes apply only to children from military families in transition in the areas of student records and enrollment, placement, eligibility, and graduation.
- By December 1, 2014, the State Council that is created by the Compact must review the implementation of the Compact and recommend to the Legislature whether the state should continue membership in the Compact.

SB 5378: REGARDING ACCREDITATION OF DIGITAL LEARNING PROGRAMS

Prime Sponsor: Senator Eide

**SB 5378 was not enacted, but is incorporated in part into SB 5410.*

SSB 5410: REGARDING ONLINE LEARNING

Prime Sponsor: Senator Oemig

**Signed by the Governor*

- The Office of Online Learning is created within the Office of the Superintendent of Public Instruction (OSPI).
- OSPI is responsible for the online provider approval process, the website, model agreements, and technical assistance.
- OSPI must conduct a review of online courses and programs, and assess funding provided for online enrollment. OSPI must provide a report to the education and fiscal committees of the Legislature by December, 1 2009.

**SB 5378 is incorporated in part into SSB 5410, as described below:*

- Providers who offer online courses or programs must be accredited by the Northwest Association of Accredited Schools or another national, regional, or state accreditation program listed by OSPI after consultation with the Washington Coalition for Online Learning.

ESSB 5414: REGARDING STATEWIDE ASSESSMENTS AND CURRICULA

Prime Sponsor: Senator McAuliffe

**Signed by the Governor/partial veto*

- The Superintendent of Public Instruction (SPI) must reduce the number of extended response questions on the WASL in grades three through eight and ten, and make recommendations for improvements to the alternative assessments, an appeals process (including considering authorizing local school districts to determine the outcome of an appeal by a student), and the alternative assessment for students with the most significant cognitive disabilities.
- ~~SPI, with the State Board of Education (SBE) and the Professional Educator Standards Board, must develop an implementation plan addressing specified issues to ensure that all students have the opportunity to learn the new science and mathematics standards, including a review of the feasibility of implementing the current timelines for students to demonstrate that they have met the state standards on the high school mathematics and science assessments for graduation. (PV)~~
- The content of the mathematics end-of-course assessments (EOCs) being developed by SPI is changed so that one EOC will assess the standards common to Algebra I and Integrated Mathematics I, and a second EOC will assess the standards common to Geometry and Integrated Mathematics II. SPI must also develop subtests that assess the unique standards of Algebra I, Integrated Mathematics I, Geometry, and Integrated Mathematics II.
- The timeline is extended for SPI to present science curricula to the SBE and for the SBE to provide comment. SPI must present no more than three curricula for each of the major high school courses in the domains of earth and space science, physical science, and life science, instead of only three curricula at the high school level.

SB 5444: CREATING A COMPREHENSIVE SYSTEM OF PUBLIC EDUCATION PROGRAMS, FINANCE, AND ACCOUNTABILITY

Prime Sponsor: Senator Jarrett

(HB 1410 Representative Sullivan)

**SB 5444 was not enacted, but the provisions are substantially similar to those in ESHB 2261.*

SB 5487: CHANGING THE NOTIFICATION DATE FOR NONRENEWAL OF A CERTIFICATED EMPLOYEE'S CONTRACT

Prime Sponsor: Senator Brandland

**Signed by the Governor*

- The deadline for notices to be provided to employees and administrators regarding nonrenewal of contracts and transfer of positions is extended from June 1 to June 15 when the Legislature fails to pass the Omnibus Appropriations Act by May 15.

SSB 5551: REGARDING RECESS PERIODS FOR ELEMENTARY SCHOOL STUDENTS

Prime Sponsor: Senator Franklin

**Signed by the Governor*

- Requires the Office of the Superintendent of Public Instruction to collaborate with the statewide parent-teacher organization to conduct and report the results of a survey of elementary schools regarding recess.

SB 5607: ATTAINING A WORLD CLASS K-12 EDUCATIONAL SYSTEM

Prime Sponsor: Senator McAuliffe

**SB 5607 is incorporated in part into ESHB 2261.*

2SSB 5676: PROVIDING FOR CAREER AND TECHNICAL EDUCATION OPPORTUNITIES FOR MIDDLE SCHOOL STUDENTS

Prime Sponsor: Senator McAuliffe

(HB 1356 Representative Alexander)

**Signed by the Governor*

- Funding for middle school students enrolled in career and technical education courses is to be provided at the same level high schools receive for such courses.
- The bill contains a null and void clause.

SSB 5738: REQUIRING THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO REVIEW ANNUAL SCHOOL DISTRICT COMPLIANCE REPORTS

Prime Sponsor: Senator King

**Signed by the Governor*

- Within existing resources, the Office of the Superintendent of Public Instruction (OSPI) must review all annual compliance reports required of school districts.
- OSPI must make recommendations about which reports should be discontinued, integrated into the Comprehensive Education Data and Research System, or maintained in their current form. OSPI must also recommend which federal reporting requirements may be used to meet state reporting requirements in order to avoid duplication of reports.
- By December 1, 2009, OSPI must provide a final report on the status of the annual compliance reports to the Legislature.

ESSB 5889: PROVIDING FLEXIBILITY IN THE EDUCATION SYSTEM

Prime Sponsor: Senator Hobbs

(2SHB 2167 Representative Maxwell)

**Signed by the Governor*

- Several laws in Title 28A RCW relating to information, notice and reporting requirements are repealed, suspended, or amended to allow online information unless written information is requested by parents. These changes include submitting plans for learning assistance funds only when significant changes are made and providing online notice about compulsory attendance, enrollment options, and pesticide use.
- Several laws in Title 28A RCW relating to curriculum and assessment mandates are repealed, suspended, or amended. These changes include: (1) no longer requiring specific content areas in Washington State History or specific classroom based assessments; and (2) allowing a collection of work samples to be submitted as an alternative assessment to the high school WASL only in content areas required for graduation.

SB 5914: CONCERNING STUDENT TRANSPORTATION FUNDING

Prime Sponsor: Senator Rockefeller

(HB 2041 Representative Finn)

**SB5914 is incorporated in its entirety into ESHB 2261.*

E2SSB 5941: REGARDING A COMPREHENSIVE EDUCATION DATA IMPROVEMENT SYSTEM

Prime Sponsor: Senator Oemig

**E2SSB 5941 is incorporated in its entirety into ESHB 2261.*

2SSB 5973: CLOSING THE ACHIEVEMENT GAP IN K-12 SCHOOLS

Prime Sponsor: Senator Kauffman

(HB 2147 Representative Liias)

**Signed by the Governor*

- An Achievement Gap Oversight and Accountability Committee (Committee) is created to synthesize findings and recommendations from the 2008 studies into an implementation plan, and recommend policies and

strategies in specified areas to the Office of the Superintendent of Public Instruction (OSPI), the Professional Educators Standards Board (PESB), and the State Board of Education to close the achievement gap.

- All student data-related reports required of OSPI must be disaggregated by six specified racial or ethnic subgroups and five specified characteristics.
- PESB, in consultation with the Committee, must identify model standards for cultural competency and make recommendations to the legislative education committees regarding the strengths and weaknesses of those standards.
- OSPI must identify school districts that have the largest achievement gaps and should receive priority for assistance in advancing cultural competency skills.

SB 6016: REGARDING EDUCATOR TRAINING TO ENHANCE SKILLS OF STUDENTS WITH DYSLEXIA

Prime Sponsor: Senator Benton

**Signed by the Governor*

- The Office of the Superintendent of Public Instruction (OSPI), with specified others, must develop the following: (1) an educator training program to enhance the reading, writing, and spelling of students with dyslexia; and (2) a handbook to be used as a reference for teachers and parents of students with dyslexia.
- OSPI must annually report to the Legislature the number of individuals who participate in the training.

SHB 1110: PROHIBITING ADVERTISING AND MARKETING TO STUDENTS RECEIVING HOME-BASED INSTRUCTION AND THEIR PARENTS

Prime Sponsor: Representative Sullivan

**Signed by the Governor*

- School districts are prohibited from disseminating unsolicited information to students and their parents who have filed a declaration of intent regarding home-based instruction, except for general mailings sent to all district households and materials provided in response to a parental request.

HB 1156: CREATING A PREFERENCE IN THE ALTERNATIVE ROUTE CERTIFICATION PROGRAM FOR VETERANS AND NATIONAL GUARD MEMBERS

Prime Sponsor: Representative Anderson

**Signed by the Governor*

- A preference for admission into the alternative route teacher certification programs is created for veterans and National Guard members who are otherwise qualified.

HB 1288: EXEMPTING THE ANNUAL PARENTAL DECLARATION OF INTENT TO HOME SCHOOL FROM THE PUBLIC DISCLOSURE ACT

Prime Sponsor: Representative Uptegrove

(SB 5661 Senator Pridemore)

**Signed by the Governor*

- The declaration of intent to provide home-based instruction that is filed by parents annually is exempt from disclosure under the Public Records Act.

SHB 1292: AUTHORIZING WAIVERS FROM THE ONE HUNDRED EIGHTY-DAY SCHOOL YEAR REQUIREMENT IN ORDER TO OPERATE UNDER A FLEXIBLE CALENDAR

Prime Sponsor: Representative Newhouse

(SB 5112 Senator Honeyford)

**Signed by the Governor*

- Authorizes a pilot program for the State Board of Education to grant five waivers to small school districts to operate on a flexible calendar.

SHB 1319: PROHIBITING SCHOOL DISTRICT EMPLOYEES FROM USING PUBLIC ASSETS FOR PRIVATE GAIN

Prime Sponsor: Representative Sullivan

**Signed by the Governor*

- School district employees are prohibited from using school property for their own private benefit.
- Each school board may adopt policies permitting occasional use if there is de minimus cost or value and if the activity does not interfere with the performance of the employee's duties.
- The Office of Superintendent of Public Instruction must adopt disciplinary guidelines for violations of the law.

HB 1322: REPEALING SCOLIOSIS SCREENING IN SCHOOLS

Prime Sponsor: Representative Green

**Signed by the Governor*

- The statutes that establish the scoliosis screening program for public school students are repealed.

SHB 1347: REGARDING FINANCIAL EDUCATION

Prime Sponsor: Representative Santos

**Signed by the Governor*

- The Financial Education Public-Private Partnership (Partnership) replaces the Financial Literacy Public-Private Partnership and, to the extent funds are available, includes new members and responsibilities for improving financial education in public schools through communicating standards, reviewing curriculum, and promoting professional development. The members must be appointed by August 1, 2009, and the Partnership must provide an annual report.
- Subject to the funds appropriated, the Office of Superintendent of Public Instruction (OSPI) and the Partnership must provide technical assistance and competitive grants for up to four school districts to participate in financial education demonstration projects.
- Districts selected for the demonstration projects must adopt the JumpStart Coalition National Standards in K-12 Personal Financial Education, integrate financial education at all grades in the district, establish local partnerships in the community to promote financial education, and conduct pre- and post-testing of students' financial literacy. The districts must report back to OSPI and the Legislature by April 30, 2011.

HB 1562: CHANGING THE REQUIREMENTS FOR GRADUATING WITHOUT A CERTIFICATE OF ACADEMIC ACHIEVEMENT OR A CERTIFICATE OF INDIVIDUAL ACHIEVEMENT

Prime Sponsor: Representative Liias

(SB 5498 Senator Jarrett)

**Signed by the Governor*

- The temporary exception for graduating from high school without passing the mathematics portion of the Washington Assessment of Student Learning is revised, so that until the graduating class of 2013, students are no longer required to continue to take an appropriate mathematics assessment annually until graduation.
- To qualify for the exception students must still continue to take two mathematics credits after their sophomore year (one credit after their junior year for the class of 2008), but these credits are no longer required to be "additional" credits.

HB 1675: CHANGING THE WORK EXPERIENCE PROVISIONS OF THE ALTERNATIVE ROUTE PARTNERSHIP GRANT PROGRAM

Prime Sponsor: Representative Sells

**Signed by the Governor*

- Work requirements for entry into Alternative Routes One and Two of the Alternative Route Partnership Grant Program are reduced from three years to one year.
- The work requirements for entry into Alternative Routes Three and Four are removed.

ESHB 1741: EXPANDING THE LIST OF CRIMES THAT REQUIRE DISMISSAL OR CERTIFICATE REVOCATION FOR SCHOOL EMPLOYEES

Prime Sponsor: Representative Darneille

(SB 5189 Senator Kohl-Welles)

**Signed by the Governor*

- The list of crimes requiring mandatory termination of certificated and classified employees is expanded.
- School districts may seek to recover salary and other compensation paid to a classified or certificated employee between the time the employee was placed on administrative leave and the time at which termination becomes final pursuant to a conviction of certain felony crimes.
- The Office of the Superintendent of Public Instruction (OSPI) is required to review, on a quarterly basis, information provided to the Washington State Patrol regarding convictions and guilty pleas.
- Superintendents and administrators may file complaints with OSPI regarding certificated individuals regardless of whether the individual is employed by the complainant.

SHB 1758: EXPANDING OPTIONS FOR STUDENTS TO EARN HIGH SCHOOL DIPLOMAS

Prime Sponsor: Representative Quall

**Signed by the Governor*

- Provides that individuals enrolled in Running Start or who are over 21 who complete an Associate's Degree are awarded a high school diploma from the college or university.

EHB 1824: REQUIRING THE ADOPTION OF POLICIES FOR THE MANAGEMENT OF CONCUSSION AND HEAD INJURY IN YOUTH SPORTS

Prime Sponsor: Representative Rodne

(SB 5763 Senator King)

**Signed by the Governor*

- A concussion and head injury information sheet must be signed annually by youth athletes and their parents before participating in practice or competition.
- A youth athlete who is suspected of sustaining a concussion or head injury must be removed from the practice or game. That athlete cannot return to play until the athlete has been evaluated by a licensed health care provider and receives written clearance to play.

HB 1852: MODIFYING PROVISIONS RELATING TO RECORD CHECKS USING FINGERPRINTS

Prime Sponsor: Representative Appleton

(SB 5694 Senator McAuliffe)

**Signed by the Governor*

- All school employees will pay the same fee to obtain a mandatory fingerprint-based criminal background check.

E2SHB 1879: PROVIDING FOR THE DELIVERY OF EDUCATIONAL SERVICES TO CHILDREN WHO ARE DEAF AND HARD OF HEARING

Prime Sponsor: Representative Jacks

**Signed by the Governor*

- Establishes the Washington State Center for Childhood Deafness and Hearing Loss to oversee the State School for the Deaf and work with educational service districts.
- Requires development of a plan for the implementation of two demonstration projects for regionally-based deaf education programs providing services in the full range of communication modalities.

SHB 1943: REQUIRING RECOMMENDATIONS FOR PREPARATION AND PROFESSIONAL DEVELOPMENT FOR THE EARLY LEARNING AND SCHOOL-AGE PROGRAM WORKFORCE

Prime Sponsor: Representative Kagi

**Signed by the Governor*

- The Professional Development Consortium (Consortium) is established and must include representatives from specified organizations as well as those that represent, research, or provide professional development to the early learning and school-age program workforce.
- In collaboration with the Department of Early Learning (DEL), the Consortium must map current professional development resources and strategies to identify gaps and recommend improved coordination; define core competencies for early learning professionals; and develop specific recommendations for a plan to implement a statewide, comprehensive, and integrated pathway of preparation and professional development for the early learning and school-age program workforce.
- DEL and the Consortium must report back to the Legislature and the Governor with brief status updates on September 15 and December 31, 2009, and final recommendations by December 31, 2010.

SHB 2003: CHANGING PROFESSIONAL EDUCATOR STANDARDS BOARD PROVISIONS

Prime Sponsor: Representative Orwall

(SSB 5802 Senator Oemig)

**Signed by the Governor*

- The Professional Educator Standards Board (PESB) must develop, maintain, and coordinate measures related to educator preparation programs.
- The PESB is reduced in size (from 20 to 12 members) and term limits are changed.
- The right to appeal certificate revocation to the PESB is removed.

2SHB 2119: EXPANDING DUAL CREDIT OPPORTUNITIES

Prime Sponsor: Representative Wallace

**Signed by the Governor*

- Running Start students must begin paying mandatory fees at community colleges and technology fees at the four-year institutions. The fees are prorated based on credit load and fee waivers must be available to low-income students.
- Running Start students may be counted for purposes of meeting enrollment targets according to terms specified in the biennial Appropriations Act.
- The State Board for Community and Technical Colleges, other institutions of higher education that participate in Running Start, and the Office of the Superintendent of Public Instruction are to report to the Governor and the Legislature by September 2010 with an assessment of alternatives for providing adequate and stable support for the Running Start program.
- The current College in the High School program, which uses contracts between a school district and a community college as another dual credit option, is placed into statute.

HB 2132: REGARDING INSTRUCTION IN CIVICS

Prime Sponsor: Representative Quall

**Signed by the Governor*

- If the State Board of Education increases the number of course credits required for graduation, at least one-half credit must be coursework in civics.

ESHB 2261: CONCERNING THE STATE'S EDUCATION SYSTEM

Prime Sponsor: Representative Sullivan

(ESB 6048 Senator Oemig)

**Signed by the Governor/partial veto*

**SSB 5941 is incorporated in its entirety into ESHB 2261.*

**SSB 5914 is incorporated in its entirety into ESHB 2261.*

**SB 5444 was not enacted, but the provisions are substantially similar to those in ESHB 2261*

**SB 5607 is incorporated in part into ESHB 2261.*

- An expanded program of basic education and the funding to support it is phased in and intended to be fully implemented by 2018, including: (1) an increase in instructional hours (from an average of 1,000 up to 1,000 hours in grades one through six and 1,080 in grades seven through 12); (2) an increase from 19 to 24 credits required for high school graduation; (3) transportation to and from school using a new funding formula beginning in 2013 based on a prediction of the actual miles instead of radius miles between bus stops and schools; (4) all-day Kindergarten; and (5) the Highly Capable Program for gifted students ~~including a funding safety net; and (6) the intent to include a basic education program of early learning program for at-risk children — as a Washington Head Start program.~~ (PV)
- Funding allocations and reporting on expenditures will use a prototypical school model.
- The Office of the Superintendent of Public Instruction must annually determine and report to the Legislature the capacity for the educational system to accommodate enhancements.
- The Quality Education Council, composed of eight legislators and specified others, is created to recommend and inform the ongoing implementation by the Legislature of an evolving program of basic education & the funding to support it.
- Working groups are created to develop details of the funding formulas, ~~the basic education program of early learning,~~ employee compensation, and a new system of levies and levy equalization. The work groups report to the Legislature and the Quality Education Council.
- The K-12 Data Governance Group is established to assist in the design and implementation of a data system for financial, student, and educator data.
- The State Board of Education must create a system to identify schools for recognition and additional support for schools and school districts.
- The Professional Educator Standards Board must adopt performance standards for effective teaching and recommend other modifications for educator certification.

ECONOMIC DEVELOPMENT, TRADE & INNOVATION

786-7409

SSB 5042: PROVIDING A WAIVER OF PENALTIES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESSES

Prime Sponsor: Senator Kilmer

**Signed by the Governor*

- Unless limited exceptions are met, state agencies must waive penalties for first-time paperwork violations by small businesses.

2SSB 5045: REGARDING COMMUNITY REVITALIZATION FINANCING

Prime Sponsor: Senator Kilmer

**Signed by the Governor*

- Local jurisdictions that follow a specified process and meet certain conditions are authorized to create a local revitalization area that will be targeted for public improvements.
- A process is specified for a sponsoring local government to apply to the Department of Revenue for a state contribution in the form of a sales and use tax credit that can be used for debt service on bonds used to finance public improvements in a revitalization area.
- A single project may receive a state contribution of no more than \$500,000. The state contribution is limited to \$2.5 million per year statewide, except for seven designated demonstration projects which may receive \$2.25 million per year.

ESSB 5473: DESIGNATING PROJECTS OF STATEWIDE SIGNIFICANCE

Prime Sponsor: Senator Kastama

**Signed by the Governor*

- Certain additional projects may be designated as projects of statewide significance if they will provide net environmental benefit or will further commercialization of innovations. The amount of capital investment required is reduced for a project that is designated based on capital investment in the county.
- The Department of Community, Trade and Economic Development must review applications to determine whether a project will provide significant local and/or state economic benefit, whether it is aligned with the state's comprehensive plan for economic development, and whether its designation will prevent equal consideration of all categories of project proposals.
- Counties and cities requesting a project's designation as one of statewide significance must ensure the participation of local officials on the public/private team expediting a project's completion. The project proponents may provide the funding necessary for the local jurisdiction to hire the staff required to expedite the process.

SB 5554: REGARDING THE JOB SKILLS PROGRAM

Prime Sponsor: Senator Kilmer

**Signed by the Governor*

- The statutory definition of the Job Skills Program (Program) is modified to include training programs that promote the growth of industry clusters instead of those serving areas with new and growing industries.
- The Program must prioritize training: (1) leading to transferable skills; (2) for firms in strategic industry clusters; (3) that includes coordination with other cluster-based programs; (4) that involves industry-based credentialing; and (5) that will increase capacity for training that will benefit students beyond the grant recipients.

SSB 5616: CONNECTING BUSINESS EXPANSION AND RECRUITMENT TO CUSTOMIZED TRAINING

Prime Sponsor: Senator Shin

**Signed by the Governor*

- During 2009 and 2010, employers participating in the Customized Training Program administered by the State Board for Community and Technical Colleges (SBCTC) may delay payments to the account. Participants must make good faith efforts to hire from trainees in the participant's training program. Colleges must make good faith efforts to use trainers preferred by participants.
- The SBCTC must ensure a seamless process toward participation in the program for employers that have qualified for the Job Skills Program but are not able to participate because those funds have been committed.
- Up to \$75,000 per year from the account may be used by SBCTC for training, marketing, and facilitation services to increase the use of the program.

SSB 5723: PROVIDING SUPPORT FOR SMALL BUSINESS ASSISTANCE

Prime Sponsor: Senator Kastama

**Signed by the Governor*

- The Small Business Development Council (SBDC) will work with specified state and local economic and workforce development organizations to integrate, target, coordinate, and tailor its services and to establish and expand satellite offices when financially feasible. The SBDC is required to submit a written final report on December 1, 2010, on accomplishments and outcomes of the act's directives. The Business Assistance Account is created in the State Treasury to be used for the expansion of business assistance services delivered by the SBDC.
- For state chartered banks, contributions to local or statewide business assistance organizations must be considered in assessing the bank's performance in meeting community credit needs.
- State agency solicitations of purchased goods and services, personal services, information services, and printing services must be posted on the state's common vendor registration and bid notification system. The state's central services agencies are to develop procurement policies and procedures which encourage and facilitate state agency purchases of products and services from small businesses in Washington.

ESSB 5901: MODIFYING PROVISIONS OF THE LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM

Prime Sponsor: Senator Kastama

**Signed by the Governor*

- The local government sponsoring a LIFT project will estimate the state and local excise tax allocation revenues to be received. The "base year" and "measurement year" definitions and requirements are removed from the LIFT statute.
- Expands limitations on the local sales and use tax rate set by sponsoring local governments.
- Makes various technical changes and adds reporting and notice requirements.

E2SSB 5916: REGARDING BROADBAND ADOPTION AND DEPLOYMENT

Prime Sponsor: Senator Kohl-Welles

**E2SSB 5916 is incorporated into E2SHB 1701.*

SB 5917: CONDUCTING AN ASSESSMENT OF HIGH-SPEED INTERNET SERVICE IN THE STATE

Prime Sponsor: Senator Kohl-Welles

**SB 5917 is incorporated into E2SHB 1701.*

SSB 5921: CREATING A CLEAN ENERGY LEADERSHIP INITIATIVE

Prime Sponsor: Senator Rockefeller

**Signed by the Governor*

- The Governor and a statewide public-private alliance will appoint and convene the Clean Energy Leadership Council (Council). The Council is to submit an interim clean energy strategy and initial recommendations to the Governor and Legislature by December 1, 2009, and the final clean energy strategy and recommendations by December 1, 2010.
- The Department of Community Trade and Economic Development is to consider the clean energy strategy when preparing its application for federal state energy program funding and determining the type and number of projects to fund, and is to consult the Council prior to awarding federal energy stimulus funding for clean energy projects.
- The Governor is to designate an existing full-time equivalent position within state government as the single point of accountability for all energy and climate change initiatives within state agencies.

E2SSB 6015: DIRECTING THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT TO REVIEW COMMERCIALIZATION AND INNOVATION IN THE LIFE SCIENCES AND TECHNOLOGY SECTORS

Prime Sponsor: Senator Murray

**Signed by the Governor*

- The Department of Community, Trade and Economic Development must examine and report to the Legislature and the Governor by December 1, 2009, on a variety of subjects related to innovation in life sciences and information technology.
- The Economic Development Commission must review a draft of the report and provide comments on the draft and its relationship to Washington's comprehensive economic development plan.

EHB 1087: IMPROVING THE EFFECTIVENESS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Prime Sponsor: Representative Kenney

**Signed by the Governor/partial veto*

- ~~The Office of Financial Management (OFM) is required to create a strategic plan to improve the effectiveness of agencies in contracting with minority and women-owned businesses. (PV)~~
- OFM must maintain a list of contact persons at each agency that are able to report to the Legislature on their agency's efforts to improve contracting with minority- and women-owned businesses.
- ~~The structure of advisory committees that may be established by the Office of Minority and Women's Business Enterprises is prescribed. (PV)~~

SHB 1128: CHANGING INNOVATION PARTNERSHIP ZONE PROVISIONS

Prime Sponsor: Representative Kenney

**Signed by the Governor*

- Innovation partnership zones (IPZs) that do not include research institutions may be created under specified circumstances.
- IPZs can be de-designated if they fail to meet their performance measures.

2SHB 1290: CONCERNING LOCAL TOURISM PROMOTION AREAS

Prime Sponsor: Representative Maxwell

(SSB 5265 Senator Jarrett)

**Signed by the Governor*

- Counties with populations greater than one million are allowed to form Tourism Promotion Areas (TPA) if two or more local governments join together to create one.

- Before enacting an ordinance creating a TPA, a local government must contract with the Department of Revenue for collection of the hotel-motel tax.

E2SHB 1701: AUTHORIZING THE DEPARTMENT OF INFORMATION SERVICES TO ENGAGE IN HIGH-SPEED INTERNET ACTIVITIES

Prime Sponsor: Representative Hudgins

(E2SSB 5916 and SB 5917 Senator Kohl-Welles)

**E2SSB 5916 and SB 5917 are incorporated into E2SHB 1701.*

- The Governor may carry out the purposes of the American Recovery and Reinvestment Act of 2009, and maximize investment in broadband deployment and adoption. The authority for overseeing broadband adoption and deployment efforts is vested in the Department of Information Services (DIS). DIS is established as the single eligible entity in the state for purposes of the federal Broadband Data Improvement Act and may apply for federal and other funds.
- DIS may conduct a survey of high-speed internet owned or leased by state agencies, create a geographic information system map of state controlled high-speed internet infrastructure, and conduct a competitive bidding process to procure a geographic information system map of high-speed internet infrastructure, service availability, and adoption based on publicly available data. In carrying out mapping activities, federal trade secrets and privacy protections apply. Private information is to remain private and public information is to remain public.
- The Community Technology Opportunity program is to be administered by DIS rather than by Washington State University.

SHB 1730: REGARDING THE OFFICE OF REGULATORY ASSISTANCE

Prime Sponsor: Representative Linville

(SSB 5748 Senator Eide)

**Signed by the Governor*

- Provides additional specificity for services provided by the Office of Regulatory Assistance and clarifies expectations for permitting agencies and project proponents seeking assistance with the permitting process.

SHB 1816: REGARDING WIRELESS PHONE NUMBERS USED BY DIRECTORY PROVIDERS

Prime Sponsor: Representative Morrell

**Signed by the Governor*

- Wireless telephone companies and directory providers must remove a subscriber's wireless phone number from a directory within a reasonable period of time from the date of request, not to exceed 60 days for printed directories and 30 days for online or other directories.
- Failure to remove a wireless phone number within a reasonable period of time is punishable by a fine of up to \$50,000.
- The prohibitions on disclosure of wireless phone numbers do not apply under certain circumstances.

ESHB 2125: ADDRESSING COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITIES

Prime Sponsor: Representative Santos

**Signed by the Governor*

- The board of directors of a community preservation and development authority (Authority) must include two members who reside in the affected community and two ex officio members representing the local legislative authority or authorities.
- An Authority may employ agents; enter into contracts; buy, own, lease or sell real property; invest its funds; incur debt; and lend its funds for corporate purposes.
- An Authority that receives public funds is restricted from using those funds for political purposes.

E2SHB 2227: ENACTING THE EVERGREEN JOBS ACT

Prime Sponsor: Representative Probst

**Signed by the Governor/partial veto*

- ~~The Evergreen Jobs Leadership Team is created and assigned a number of duties relating to The Department of Community, Trade, and Economic Development (CTED) and the Workforce Training and Education Coordinating Board (the Workforce Board) are responsible for coordinating state and local efforts to secure funding for and support green economy projects, including a duty to create and implement a sign or logo to denote projects funded through Washington economic recovery efforts, identify skills and qualifications necessary to perform energy audit and efficiency services, distribute funds allocated to energy audit and efficiency services training programs, and submit semiannual reports to the Legislature and the Governor on its progress. (PV)~~
- The Workforce Board, the State Board for Community and Technical Colleges (SBCTC), and the Apprenticeship and Training Council may prioritize green economy training programs.
- SBCTC is required to create curriculum to deliver the skills identified by CTED and the Workforce Board ~~the Leadership Team~~. (PV)
- ~~The Leadership Team must identify skills and qualifications necessary to perform energy audit and efficiency services, and distribute funds allocated to training programs in energy audit and efficiency services. (PV)~~

EHB 2242: CREATING A DEPARTMENT OF COMMERCE

Prime Sponsor: Representative Kenney

**Signed by the Governor/partial veto*

- A Department of Commerce is created to replace the Department of Community, Trade and Economic Development.
- By November 1, 2009, the Director is to develop a report, with analysis and recommendations for the Governor and appropriate legislative committees, on statutory changes for effective operation of the department. This is to be done in collaboration with the Office of Financial Management, the Governor's Office, the Economic Development Commission, and legislators from policy and fiscal committees. Input from a broad range of stakeholders is required.
- The Code Reviser is directed to prepare legislation for the 2010 session that changes all statutory references from the "Department of Community, Trade, and Economic Development" to the "Department of Commerce."
- ~~Removes the State Energy Program from the Revised Code of Washington. (PV)~~

ENVIRONMENT, WATER & ENERGY

786-7406

SSB 5055: PROTECTING THE INTERESTS OF CUSTOMERS OF PUBLIC SERVICE COMPANIES IN PROCEEDINGS BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Prime Sponsor: Senator Brown

**Signed by the Governor*

- The Washington Utilities and Transportation Commission (WUTC) may not approve the sale, merger, or transfer of any regulated gas or electric utility that would result in a person, directly or indirectly, acquiring a controlling interest in the utility without a finding that the transaction would provide a net benefit to the customers of the utility.
- The WUTC must approve or deny a sale or purchase of a regulated utility within 11 months of the date of filing, which the WUTC may extend up to four months for cause.

SB 5107: CONCERNING ENERGY OVERLAY ZONES

Prime Sponsor: Senator Honeyford

**Signed by the Governor*

- An expedited judicial review procedure for local government land use decisions is revised to provide that decisions allowing renewable energy projects within a county energy overlay zone are presumed to be reasonable if they meet requirements in the zone ordinance. An "energy overlay zone" is a county plan for siting projects based on available resources and infrastructure, with sensitivity to adverse environmental impact.
- In addition, for decisions allowing wind power projects, either the zone ordinance must be consistent with state Department of Fish & Wildlife wind power guidelines, or the county must have prepared an environmental impact statement (EIS) concerning the zone. In the latter case the zone ordinance must require project mitigation addressed in the EIS and fish and wildlife and cultural resources analysis, and the county must have adopted an ordinance addressing critical areas under state land use law.

E2SSB 5138: CREATING AN INTEGRATED CLIMATE CHANGE RESPONSE STRATEGY

Prime Sponsor: Senator Rockefeller

**E2SSB 5138 is incorporated in part into E2SSB 5560.*

SB 5161: EXTENDING TAX INCENTIVES FOR RENEWABLE RESOURCES, INCLUDING TIDAL AND WAVE ENERGY

Prime Sponsor: Senator Hobbs

**SB 5161 is incorporated in its entirety into ESSB 6170 passed by the Ways & Means Committee.*

SB 5185: INCREASING SOLAR ENERGY INCENTIVES

Prime Sponsor: Senator Rockefeller

**SB 5185 was not enacted, but the provisions are similar to those in ESSB 6170 passed by the Ways & Means Committee.*

SSB 5199: MODIFYING PROVISIONS REGARDING THE OPERATORS OF PUBLIC WATER SUPPLY SYSTEMS

Prime Sponsor: Senator Fraser

(SHB 1283 Representative Rolfes)

**Signed by the Governor/partial veto*

- ~~Backflow assembly testers and cross-connection control specialists must be certified by the Department of Health (DOH). (PV)~~

- ~~DOH may immediately revoke or suspend a certificate for: (1) fraud, deceit, or gross negligence involving the operation or maintenance of a public water system or in inspecting, testing, maintaining, or repairing backflow assemblies, devices, or air gaps intended to protect a public water system from contamination; (2) if the certificate was obtained fraudulently; or (3) if there is an intentional violation of the rules of DOH. (PV)~~
- A Group A water system that serves less than 100 connections and purchases water from another water system must measure for chlorine residuals when the water system takes samples for coliform.

SSB 5290: CONCERNING REQUESTS MADE BY A PARTY RELATING TO GAS OR ELECTRICAL COMPANY DISCOUNTS FOR LOW-INCOME SENIOR CUSTOMERS AND LOW-INCOME CUSTOMERS

Prime Sponsor: Senator Franklin

**Signed by the Governor*

- A party to a general rate case hearing, in addition to an electrical or gas company, may request changes to a gas or electric utility's program for low-income senior customers and low-income customers.

ESSB 5344: CONCERNING EMERGENCY RESPONSE TOWING VESSELS

Prime Sponsor: Senator Ranker

(HB 1409 Representative Van De Wege)

**Signed by the Governor*

- By July 1, 2010, oil tankers and large cargo and passenger vessels (covered vessels) transiting to or from Washington ports through the Strait of Juan de Fuca must establish and fund an emergency response tug at Neah Bay. Covered vessels must submit implementing plans to the Department of Ecology (DOE) by December 1, 2009. Requirements are met if covered vessels provide a requisite tug or the Federal government implements equivalent measures.
- A tug must be available to serve vessels in distress in the Strait and off the state's western coast.
- DOE may contract with a tug. Costs will be paid from the State Oil Spill Response Account.
- The Legislature encourages covered vessels to form a single umbrella organization providing for equitable tug cost sharing. Covered vessels will negotiate cost sharing and report to the Legislature by October 31 and December 1, 2009.
- DOE must initiate discussions with British Columbia to explore options for sharing emergency response assets, and report to the Legislature by January 1, 2011.

SB 5441: CREATING INCENTIVES FOR THE USE OF BIOMASS IN RENEWABLE ENERGY PRODUCTION

Prime Sponsor: Senator Eide

(HB 1610 Representative Takko)

**SB 5441 was not enacted, but the provisions are similar to those in ESSB 6170 passed by the Ways & Means Committee.*

SB 5442: PROVIDING EXCISE TAX EXEMPTIONS FOR HOG FUEL USED FOR PRODUCTION OF ELECTRICITY, STEAM, HEAT, OR BIOFUEL

Prime Sponsor: Senator Hargrove

(HB 1633 Representative Conway)

**SB 5442 was not enacted, but the provisions are similar to those in ESSB 6170 passed by the Ways & Means Committee.*

SSB 5504: CONCERNING RECLAIMED WATER PERMITTING

Prime Sponsor: Senator Fraser

(HB 1482 Representative McCoy)

**Signed by the Governor*

- The Department of Ecology (DOE) and the Department of Health have rulemaking authority to carry out all the provisions of the reclaimed water code, including enforcement and permitting.
- The reclaimed water permit must include provisions that protect human health and the environment.
- The lead agency has the right to enter and inspect the permitted properties to determine compliance with laws and rules.

- DOE must review comments from the Reclaimed Water Committee, the Reclaimed Water and Water Rights Advisory Committee, and stakeholders on impairment and the standards for reclaimed water and submit a recommendation to the Legislature by November 30, 2009.

E2SSB 5560: REGARDING STATE AGENCY CLIMATE LEADERSHIP

Prime Sponsor: Senator Ranker

**Signed by the Governor/partial veto*

- All state agencies are required to meet the statewide greenhouse gas emission limits and reduce emissions to meet certain levels by specified dates.
- State agencies must phase in fuel economy standards for motor pools and leased vehicles to achieve an average fuel economy of 36 mpg for passenger vehicles and meet fuel economy standards for vehicles purchased after 2010.
- ~~State agencies are prohibited from purchasing small scale gasoline and diesel fueled equipment when electric and battery alternatives are available, unless waived by the agency's administrative official. (PV)~~
- ~~The Department of General Administration must monitor energy performance from July 2009 to July 2011 on buildings that have completed an energy audit and installed energy conservation measures within the last five years and provide a report to the legislature. (PV)~~
- When distributing capital funds, state agencies must consider if the entity receiving the funds has adopted policies to reduce greenhouse gas emissions and if the project is consistent with the state's limits on greenhouse gas emission and goals to reduce vehicle miles travelled.
- The Governor must designate a person as the single point of accountability for all energy and climate change initiatives within state agencies.
**E2SSB 5138 is incorporated in part into E2SSB 5560, as described below:*
- The Departments of Ecology; Agriculture; Community, Trade and Economic Development; Fish and Wildlife; Natural Resources; and Transportation must develop an integrated climate change response strategy to assist state and local governments, public and private entities, and individuals to prepare for and adapt to climate change.

SSB 5565: REGARDING THE USE OF CERTAIN SOLID FUEL BURNING DEVICES

Prime Sponsor: Senator Rockefeller

(SHB 1691 Representative Rolfes)

**Signed by the Governor*

- To prohibit use of wood stoves, fireplaces, and other solid fuel burning devices in an area to meet air quality standards, the Department of Ecology (DOE) or the local air pollution control authority (local authority) must first meet two requirements. DOE or the local authority must: (1) seek input from local governments or health departments; and (2) find that the area is designated as a nonattainment area for fine particular matter by the U.S. Environmental Protection Agency, emissions from solid fuel burning devices are a major contributing factor, and the area has an adequately funded program to assist low-income households to secure adequate heat.
- Local governments must cooperate with DOE or the local authority to implement a use ban. If a nonattainment area is within DOE's jurisdiction and a local government expresses concerns with a use ban, DOE must publish its reasons for imposing the ban and respond to the concerns.

ESSB 5583: IMPROVING THE EFFECTIVENESS OF WATER BANK AUTHORIZATION AND EXCHANGE PROVISIONS

Prime Sponsor: Senator Marr

(HB 1494 Representative Blake)

**Signed by the Governor*

- The Department of Ecology (DOE) may use the Trust Water Rights Program for water banking purposes for both surface and groundwater rights statewide. DOE must exercise its authority in a manner that protects trust water rights.
- DOE must calculate the amount of water to be acquired by looking at the extent to which the right was exercised during the most recent five-year period preceding the date where sufficient cause for nonuse was established if nonuse occurred in the five years preceding the donation or lease.

- When calculating annual consumptive quantity of a trust water right, DOE must look to the most recent five-year period of continuous beneficial use prior to transfer into the trust water rights program.
- DOE must look at the amount of water eligible to be put into the program based on historical beneficial use for water rights that are claimed for power development or municipal water supply and are exempt from relinquishment.

E2SSB 5649: REGARDING ENERGY EFFICIENCY IN BUILDINGS

Prime Sponsor: Senator Rockefeller

**Signed by the Governor/partial veto*

- The Washington State University is authorized to implement grants for pilot programs providing community-wide residential and commercial energy efficiency services and upgrades.
- The Department of Community, Trade and Economic Development (CTED) must establish a process to award grants to financial institutions for the purpose of creating credit enhancements for energy efficiency services and projects.
- State chartered bonding authorities may accept funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs.
- CTED must review all housing properties in the Housing Trust Fund portfolio to identify those in need of renovation and rehabilitation to achieve the greatest energy savings, promote health and safety improvements, and use environmentally friendly sustainable practices and technologies.
- Definitions within CTED's Energy Matchmaker program are revised to reflect sustainable and environmentally friendly technologies and innovations.
- ~~The Governor must designate a person as the single point of accountability for all energy and climate change initiatives within state agencies.~~ (PV)

SSB 5724: CONCERNING THE GENERATION OF ELECTRICITY FROM BIOMASS ENERGY THAT IS A RENEWABLE RESOURCE

Prime Sponsor: Senator Pridemore

**Signed by the Governor*

- Any county, where a public utility district provides electricity for sale within the county, may construct and operate a biomass energy generation facility.

SB 5767: MAKING NONSUBSTANTIVE CHANGES CLARIFYING OUTDOOR BURNING PROVISIONS OF THE WASHINGTON CLEAN AIR ACT

Prime Sponsor: Senator Rockefeller

**Signed by the Governor*

- Nonsubstantive changes are made to the Washington Clean Air Act to improve clarity of outdoor burning restrictions.

E2SSB 5854: REDUCING CLIMATE POLLUTION IN THE BUILT ENVIRONMENT

Prime Sponsor: Senator Kilmer

(E2SHB 1747 Representative Rolfes)

**Signed by the Governor*

- The State Building Code Council must design the State Energy Code to accelerate construction of increasingly energy efficient homes and buildings to achieve a goal of zero fossil-fuel greenhouse gas emission homes and buildings by 2031.
- Public agencies must track and publish energy consumption data for their facilities. Agencies with an energy efficiency performance rating below 50 must conduct an energy audit and implement identified cost-effective conservation measures.
- Utilities serving more than 25,000 customers in the state must maintain energy consumption records for all nonresidential and public agency buildings.

- State agencies may not renew or enter into lease agreements for buildings with an energy efficiency performance rating below 75 unless an energy audit has been conducted and the building owner agrees to implement cost-effective energy conservation measures.

SB 5906: MODIFYING THE BUSINESS AND OCCUPATION TAX RATE ON WHOLESALEERS OF SOLAR ENERGY SYSTEMS AND INCLUDING SEMICONDUCTOR MATERIALS

Prime Sponsor: Senator Pridemore

(HB 1911 Representative Probst)

**SB 5906 was not enacted, but the provisions are similar to those in ESSB 6170 passed by the Ways & Means Committee.*

SB 5944: IMPLEMENTING A DEMONSTRATION PROJECT TO REDUCE PHOSPHORUS LOADING IN LAKE WHATCOM

Prime Sponsor: Senator Ranker

**Signed by the Governor*

- The Puget Sound Partnership must assist the City of Bellingham and Whatcom County in securing funding from federal and nongovernmental sources in order to implement a demonstration program regarding phosphorus loading into Lake Whatcom.
- Any grant must be matched by at least an equal amount from nonstate sources.

SB 5989: REGARDING THE GREENHOUSE GAS EMISSIONS PERFORMANCE STANDARD UNDER CHAPTER 80.80 RCW

Prime Sponsor: Senator Sheldon

(HB 2129 Representative Eddy)

**Signed by the Governor*

- The regulatory review required by the emissions performance law for an investor-owned utility's long-term contract for resources is simplified.
- The cost deferral process for renewable energy under the emissions performance law is clarified.

SSB 6036: CONCERNING WATER CLEANUP PLANNING AND IMPLEMENTATION

Prime Sponsor: Senator Fraser

(HB 2243 Representative Hunt)

**Signed by the Governor*

- The Department of Ecology must amend the state water quality standards to authorize compliance schedules longer than ten years.
- Criteria for compliance schedules longer than ten years are established.

ESHB 1004: ADDING PRODUCTS TO AND REMOVING PRODUCTS FROM THE ENERGY EFFICIENCY CODE

Prime Sponsor: Representative Morris

**Signed by the Governor*

- Minimum efficiency standards are established for several electrical products manufactured after 2009 that are sold or offered for sale in the state. After 2010, these products may not be installed for compensation in the state unless they meet the standards. Affected products include certain wine chillers, water heaters and dispensers, pool heaters and pumps, portable electric spas, tub spout diverters, and hot food holding cabinets. Technical efficiency standards in California regulations are copied or adopted by reference.
- Efficiency standards for certain clothes washers, spray valves, lamp fixtures, AC to DC power converters, and space heaters are removed from state law due to federal preemption.

E2SHB 1007: CREATING A SUSTAINABLE ENERGY TRUST

Prime Sponsor: Representative Morris

**Signed by the Governor*

- Requires the Washington State Housing Commission, if economically feasible to: (1) develop and implement a sustainable energy trust program to provide funding for qualified energy efficiency improvement projects; (2) issue bonds for financing loans for qualified energy efficiency and renewable energy improvements; and (3) contract with a certifying authority to accept and review applications for energy efficiency and renewable energy improvement projects and to approve qualified improvement for financing by the Commission.

SHB 1010: REGARDING THE DEFINITION OF A BIOFUEL

Prime Sponsor: Representative Morris

(SB 5118 Senator Honeyford)

**Signed by the Governor*

- Sale of renewable diesel is authorized to meet state biofuel content requirements, under which at least 2 percent of diesel and gasoline annually sold in Washington by fuel licensees must be biofuel.
- Renewable diesel is defined as a diesel fuel substitute produced from nonpetroleum renewable sources, including vegetable oils and animal fats, that meets both federal requirements for fuels and fuel additives and industry fuel grade standards.

ESHB 1033: REQUIRING THE USE OF ALTERNATIVES TO LEAD WHEEL WEIGHTS

Prime Sponsor: Representative Campbell

**Signed by the Governor*

- Beginning in 2011, businesses replacing or balancing vehicle tires in Washington must replace lead wheel weights with "environmentally preferred" weights, identified by the Department of Ecology (DOE) as having no more than minute amounts of toxic substances. The requirement applies to Washington-registered vehicles with wheel diameters of less than 19.5 inches or gross weights of 14,000 pounds or less.
- Businesses may use nonpreferred alternatives to lead wheel weights for up to two years, but must thereafter use preferred weights. Businesses must recycle lead weights they remove.
- Vehicle owners are not subject to any of these requirements.
- DOE will achieve compliance by distributing information to affected businesses, then issuing warning letters to noncomplying businesses with offers of assistance. If a business does not comply within one year of issuance of a warning letter, DOE may assess civil penalties of up to \$500 for the first violation and up to \$1,000 for subsequent violations. Violations occur on a per-vehicle basis.

HB 1184: EXTENDING THE LOAN REPAYMENT PERIOD FOR CONSERVATION PROJECTS FUNDED BY MUNICIPAL UTILITIES AND PUBLIC UTILITY DISTRICTS

Prime Sponsor: Representative Chase

**Signed by the Governor*

- Extends the timeframe in which customers of a municipal utility or public utility district must repay a loan for energy efficiency improvements and customers of a public utility district must repay a loan for water conservation equipment improvements from 120 months to 240 months.

SHB 1283: MODIFYING PROVISIONS REGARDING THE OPERATORS OF PUBLIC WATER SUPPLY SYSTEMS

Prime Sponsor: Representative Rolfes

(SSB 5199 Senator Fraser)

**Signed by the Governor*

- Backflow assembly testers and cross-connection control specialists must be certified by the Department of Health (DOH).
- DOH may immediately revoke or suspend a certificate for: (1) fraud, deceit, or gross negligence involving the operation or maintenance of a public water system or in inspecting, testing, maintaining, or repairing backflow

assemblies, devices, or air gaps intended to protect a public water system from contamination; (2) if the certificate was obtained fraudulently; (3) or if there is an intentional violation of the rules of DOH.

SHB 1332: GRANTING AUTHORITY OF A WATERSHED MANAGEMENT PARTNERSHIP TO EXERCISE POWERS OF ITS FORMING GOVERNMENTS

Prime Sponsor: Representative Goodman

(SB 5910 Senator Jarrett)

**Signed by the Governor*

- A watershed management partnership (partnership) and the separate legal entity created by it to conduct the operations of the partnership may exercise the power of eminent domain for the purpose of providing water services to its customers if all of the public agencies that form the partnership have the power of eminent domain.
- In order to exercise this eminent domain power, the partnership must have been formed before July 1, 2006, and must be governed by a board of directors consisting entirely of elected officials from the cities and districts constituting the partnership.
- The partnership must comply with statutory notice requirements before eminent domain power may be exercised.
- The partnership must enter into an interlocal agreement with a city to allow eminent domain within that city if the city is not a member of the partnership and has water or sewer service areas within one-half mile of Lake Tapps or within five miles upstream from Lake Tapps along the White River and, if that city is negatively impacted, the city must notify the partnership of its claim and give the partnership at least 60 days to resolve the claimed impact.

SHB 1388: CHANGING THE DATE FOR SETTING THE AMOUNT OF PIPELINE SAFETY FEES

Prime Sponsor: Representative Jacks

(SB 5451 Senator Oemig)

**Signed by the Governor*

- A requirement for the Utilities & Transportation Commission to annually set pipeline company regulatory fees before July 1 is revised to provide that the agency must set the fees before a date it establishes by administrative rule.

SHB 1413: CONCERNING WATER DISCHARGE FEES

Prime Sponsor: Representative McCoy

(SB 5430 Senator Fraser)

**Signed by the Governor*

- The Department of Ecology (DOE) may (1) charge an annual fee to municipalities for domestic wastewater facility permits of up to 18 cents per month per residence or residential equivalent that is contributing to the wastewater system; (2) raise wastewater fees by the fiscal growth factor for the fiscal years 2010 and 2011, except for categories of dischargers whose fees exceed the costs of managing their permits; and (3) adjust the discharge fee schedule annually through December 31, 2011.
- DOE must evaluate the existing fee structure, including the current inequity of fees relative to permit workload and report its findings to the 2010 Legislature.

2SHB 1481: REGARDING ELECTRIC VEHICLES

Prime Sponsor: Representative Eddy

(SB 5418 Senator Jarrett)

**Signed by the Governor*

- By July 1, 2010, local jurisdictions' development regulations must allow electric vehicle infrastructure as a use in areas from Snohomish to Thurston County within one mile along Interstate 5 and King County adjacent to State Route 520 and Interstate 90. If federal funding for public investment in electric vehicles and electric vehicle infrastructure is not provided by February 1, 2010, this requirement is null and void.
- By July 1, 2011, or six months after the Department of Community, Trade and Economic Development distributes model ordinances, development regulations, and guidance for local governments to site and install electric vehicle infrastructure, local jurisdictions' development regulations must allow electric vehicle

infrastructure as a use in areas from Snohomish to Thurston County along Interstate 5 and King County along State Route 520 and Interstate 90, and must allow battery charging stations except for zones designated as residential, resource, and critical areas.

- The Department of Transportation may enter into public-private partnership agreements for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project.
- The state must install electrical outlets for charging elective vehicles, as practical, at state-operated highway rest stops and in the state's fleet parking and maintenance facilities.
- All state agencies must achieve 40 percent fuel usage for operating publicly owned vessels, vehicles and construction equipment from electricity or biofuel by June 1, 2013.
- Certain tax exemptions are provided for electric vehicle infrastructure and batteries for electric vehicles.

2SHB 1522: REGARDING REPAIR AND REUSE OF ELECTRONIC PRODUCTS BY REGISTERED COLLECTORS

Prime Sponsor: Representative Hudgins

**Signed by the Governor*

- Registered collectors for recycling and reusing computer monitors, personal computers, and televisions may donate or sell fully functioning computers for reuse.
- Registered collectors may repair computers on-site to make the computer fully functional for reuse to its original purpose.
- Registered collectors must display a notice that computers may be repaired, sold, or donated rather than recycled.

SHB 1532: AUTHORIZING WATER-SEWER DISTRICTS TO CONSTRUCT, CONDEMN AND PURCHASE, ADD TO, MAINTAIN, AND OPERATE SYSTEMS FOR RECLAIMED WATER

Prime Sponsor: Representative Rolfes

(SB 5485 Senator Rockefeller)

**Signed by the Governor*

- Water-sewer districts have the authority to construct, condemn and purchase, add to, maintain, and operate systems of reclaimed water under the reclaimed water statutes so that water-sewer districts may provide reclaimed water for authorized uses and purposes.
- Water-sewer district commissioners must prepare a general comprehensive plan for a reclaimed water system.

ESHB 1571: REGARDING THE ADJUDICATION OF WATER RIGHTS

Prime Sponsor: Representative Blake

(SB 5533 Senator Rockefeller)

**Signed by the Governor*

- The Department of Ecology (DOE) must consult with the Administrative Office of the Courts in order to determine whether there are sufficient resources available to DOE and the superior court to be able to conduct an adjudication in addition to executing their other duties.
- Whenever possible, the court should conduct water right adjudications employing innovative practices and technologies including electronic filing of documents, teleconferencing, and pre-filing testimony.
- DOE must conduct a preliminary investigation upon the receipt of the adjudication claims and the filing of the claimants' evidence in order to examine the uses of the subject waters.
- A judge may be partially or fully disqualified from a general adjudication.
- A court in a general adjudication must issue a final decree and provide notice of the decree to all the parties.

2SHB 1580: ESTABLISHING A PILOT LOCAL WATER MANAGEMENT PROGRAM IN ONE QUALIFIED JURISDICTION

Prime Sponsor: Representative Kessler

(SB 5647 Senator Hatfield)

**Signed by the Governor*

- A pilot local water management program may be established in the Walla Walla watershed.

- Initiating entities may collectively petition the Department of Ecology to establish a Water Management Board (Board).
- Water banking may be used within the planning area for surface water or groundwater rights on a permanent or temporary basis. A water right or a portion of a water right that is deposited in trust for water banking purposes is not subject to loss by forfeiture.
- Water rights deposited in trust for water banking purposes for instream flows do not need an extent and validity review.
- The Board may develop a local water plan. Water rights in the local water plan are not subject to a review of the extent and validity of the water right or subject to loss by forfeiture.

**SHB 1984: AUTHORIZING THE USE OF A SAFE ALTERNATIVE
REFRIGERANT IN MOTOR VEHICLE AIR CONDITIONING
EQUIPMENT**

Prime Sponsor: Representative Finn

**Signed by the Governor*

- Allows the use of alternative refrigerants in motor vehicle air conditioning equipment if that alternative is on the list of safe alternatives published by the U.S. Environmental Protection Agency.

HB 1997: REGARDING PUGET SOUND SCIENTIFIC RESEARCH

Prime Sponsor: Representative Finn

**Signed by the Governor*

- Limits expenditures from the Puget Sound Scientific Research Account to programs and projects selected by a process overseen by the Puget Sound Partnership's Science Panel.
- The Science Panel must develop and implement peer review of monitoring, research, and modeling.

**HB 2129: REGARDING THE GREENHOUSE GAS EMISSIONS PERFORMANCE
STANDARD UNDER CHAPTER 80.80 RCW**

Prime Sponsor: Representative Eddy

(SB 5989 Senator Sheldon)

**Signed by the Governor/partial veto*

- Long-term financial commitments with the Bonneville Power Administration are exempt from the emissions performance standard.
- No more than 12 percent of emissions in a long-term financial commitment may be from unspecified sources of power.
- The regulatory review required by the emissions performance law for an investor-owned utility's long-term contract for resources is simplified.
- The cost deferral process for renewable energy under the emissions performance law is clarified.
- ~~The governing boards of consumer-owned utilities may provide case-by-case exemptions to the emissions-performance standard for extraordinary cost impacts on ratepayers.~~ (PV)

**ESHB 2222: REGARDING THE CONDITIONING OF INDUSTRIAL STORM
WATER GENERAL DISCHARGE PERMITS**

Prime Sponsor: Representative Blake

**Signed by the Governor*

- The Department of Ecology (DOE) must modify or reissue the industrial storm water general permit to require compliance with appropriately derived numeric water quality-based effluent limitations for existing discharges to impaired water bodies under the Clean Water Act by November 1, 2009.
- DOE may establish a compliance schedule for permittees that DOE determines are unable to comply by the original compliance date, but compliance must occur no later than 24 months, or two wet seasons, after the effective date of the industrial storm water general permit

- As funding to do so becomes available, DOE must create a Storm Water Technical Resource Center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management.
- DOE must prepare and submit a biennial progress report on the Storm Water Technical Resource Center to the Legislature.

ESHB 2289: EXPANDING THE ENERGY FREEDOM PROGRAM

Prime Sponsor: Representative McCoy

**Signed by the Governor*

- The Energy Freedom Program is expanded to include clean energy projects, energy efficiency improvements, renewable energy improvements, and innovative energy technologies.
- The Energy Recovery Act Account is created for the receipt of state and federal funds, loan repayments, and interest on the loans.
- Loans and grants from the Energy Recovery Act Account may be used for innovative and sustainable industries for renewable energy and energy efficiency technology.

FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

786-7408

SSB 5136: REGULATING THE USE OF SOLAR ENERGY PANELS BY MEMBERS OF HOMEOWNERS' ASSOCIATIONS

Prime Sponsor: Senator Hobbs

**Signed by the Governor*

- Prohibits homeowners' associations from restricting the use of solar panels on an owner's property, with limited exceptions.

SB 5164: PLACING RESTRICTIONS ON CHECK CASHERS' AND SELLERS' COMMUNICATIONS WHEN COLLECTING DELINQUENT SMALL LOANS

Prime Sponsor: Senator Berkey

(HB 1310 Representative Kirby)

**Signed by the Governor*

- Specific collection activities are added to the list of those in which pay-day lenders may not engage, such as impersonating a law enforcement officer and visiting the borrower's place of employment.
- Certain actions by the pay-day lender are presumed to be harassing communications.
- Pay-day lenders must keep a log of all their contacts with borrowers.

SSB 5195: ADOPTING THE LIFE SETTLEMENTS MODEL ACT

Prime Sponsor: Senator Berkey

**Signed by the Governor*

- The Model Life Settlements Act is adopted for Washington, administered by the Office of Insurance Commissioner (OIC).
- Entering into a life settlement contract within two years of the date of issuance of the life insurance policy is prohibited, with some limited exceptions.
- "STOLI" (Stranger Originated Life Insurance) is defined and prohibited.
- Disclosures approved by the OIC are required of the life insurance company so that the owner of the policy who is at least 60 years of age is aware of his or her options, in addition to requesting the cash value of the policy when the policy is in danger of lapsing or otherwise being lost.
- Other extensive disclosures approved by the OIC are required by life settlements broker and life settlement companies, in various situations.
- Any reference to "free" in the advertising of life settlements is prohibited.

SSB 5417: REQUIRING THE DISCLOSURE OF INFORMATION ON FLOOD INSURANCE COVERAGE

Prime Sponsor: Senator Berkey

(SHB 1564 Representative Rodne)

**Signed by the Governor*

- Policyholders must be given written notice that the policyholder's homeowner's policy does not cover flood damage and how to obtain flood insurance.

SB 5452: INCREASING THE DEBT LIMIT OF THE HOUSING FINANCE COMMISSION

Prime Sponsor: Senator Kauffman

(HB 1384 Representative Miloscia)

**Signed by the Governor*

- The debt limit of the Housing Finance Commission is increased from \$5 billion to \$6 billion.

SSB 5461: CONCERNING RESERVE ACCOUNT AND STUDY REQUIREMENTS FOR CONDOMINIUM ASSOCIATIONS

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- Condominium associations may be exempt from reserve study requirements if two-thirds of the members agree. This vote must be held every three years.
- Any public offering for sale of a unit in an exempt association must disclose that there is no reserve study available.

SSB 5468: PERMITTING AN EXEMPTION FOR NONPROFIT HOUSING ORGANIZATIONS FROM THE CONSUMER LOAN ACT

Prime Sponsor: Senator Honeyford

**Signed by the Governor*

- Nonprofit organizations using federal or state funds to develop low-income housing or to assist low-income borrowers in purchasing or repairing a home are exempt from the Consumer Loan Act.

SSB 5665: AUTHORIZING A JOINT SELF-INSURANCE PROGRAM FOR TWO OR MORE AFFORDABLE HOUSING ENTITIES

Prime Sponsor: Senator Berkey

**Signed by the Governor*

- Nonprofit affordable housing entities can form or join joint self-insurance risk pools, subject to the approval and regulation of the State Risk Manager.

ESSB 5671: DETERMINING THE SUITABILITY OF ANNUITIES SOLD IN WASHINGTON

Prime Sponsor: Senator Berkey

(HB 1563 Representative Kirby)

**Signed by the Governor*

- Insurers and producers selling fixed annuities must make recommendations to clients that are reasonable in light of all circumstances actually known to the insurer or producer.
- This requirement does not apply to annuities used for specified purposes, including many retirement plans, deferred compensation arrangements, personal injury litigation settlements, or prepaid funeral contracts.

ESB 5810: CONCERNING FORECLOSURES ON DEEDS OF TRUST

Prime Sponsor: Senator Kauffman

(HB 1942 Representative Orwall)

**Signed by the Governor*

- A 30-day foreclosure loss mitigation period is inserted into the process for foreclosure on deeds of trust. This period occurs after the beneficiary notifies the borrower by letter and telephone that options can be explored to avoid foreclosure, and before the notice of default is issued and the foreclosure process proceeds.
- Protections for the borrower, grantor, trustee, beneficiary, and any tenants are provided.
- The requirement for the 30-day period applies only to deeds of trust made from January 1, 2003, through December 31, 2008, and expires on December 31, 2012.

SSB 6000: MODIFYING REAL ESTATE DISCLOSURE REQUIREMENTS REGARDING HOMEOWNERS' ASSOCIATIONS

Prime Sponsor: Senator Fraser

**Signed by the Governor*

- Sellers of residential property must provide contact information for any homeowners' association affecting the property.

ESB 6033: CREATING THE PREVENT OR REDUCE OWNER-OCCUPIED FORECLOSURE PROGRAM (PROOF)

Prime Sponsor: Senator Berkey

**Signed by the Governor/partial veto*

- The PROOF program provides a pool of unpaid, volunteer legal and financial professionals to help all Washington residents in mortgage difficulties stay in their homes.
- ~~The program's oversight committee includes legislators and representatives from the state agencies and professions involved in the provision of this service.~~ (PV)
- The program is administered and staffed by the Housing Finance Commission. Funds may come from state, federal, and private sources and are administered by the Department of Financial Institutions.

SHB 1011: REGULATING THE USE OF IDENTIFICATION DEVICES BY GOVERNMENTAL AND BUSINESS ENTITIES

Prime Sponsor: Representative Morris

**Signed by the Governor/partial veto*

- Only the government or business entity that issued a Radio Frequency Identification (RFID) chip or its affiliates may read the chip, with some limited exceptions.
- Violations of this prohibition are violations of the Consumer Protection Act.
- ~~The Attorney General must make annual recommendations to the Legislature on other personally invasive technologies requiring legislative action.~~ (PV)

E2SHB 1078: CONCERNING EXCHANGE FACILITATORS

Prime Sponsor: Representative Kelley

(ESSB 6032 Senator Berkey)

**Signed by the Governor*

- Exchange facilitators are regulated, but not licensed, by the Department of Financial Institutions (DFI).
- Exchange facilitators are subject to civil and criminal penalties for violations of these regulations.
- DFI will make a one-time report to the Legislature on exchange activities in Washington by January 15, 2010.

HB 1127: SECURING CREDIT AND DEBIT CARD INFORMATION

Prime Sponsor: Representative Hurst

**Signed by the Governor*

- Like credit card receipts, debit card receipts may only include the last five digits of the debit card number.

HB 1166: ALLOWING LOANS TO COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS UNDER THE LINKED DEPOSIT PROGRAM

Prime Sponsor: Representative Hasegawa

(SB 5884 Senator Kline)

**Signed by the Governor*

- Banks may make loans to Community Development Financial Institutions (CDFIs) under the linked deposit program as long as the CDFI uses those funds to make qualifying loans to minority- and women-owned businesses.

EHB 1167: STUDYING THE LINKED DEPOSIT PROGRAM

Prime Sponsor: Representative Hasegawa

(SB 5883 Senator Kline)

**Signed by the Governor/partial veto*

- ~~The Office of Minority and Women's Business Enterprises must file a report with the Legislature on a variety of issues relating to access to capital by December 1, 2009.~~ (PV)
- The State Treasurer may accept an effective interest rate of zero on deposited state funds for the purposes of the Linked Deposit Program.

SHB 1202: ALLOWING NONINSURANCE BENEFITS AS PART OF LIFE INSURANCE POLICIES

Prime Sponsor: Representative Hurst

(SSB 5191 Senator Hobbs)

**Signed by the Governor*

- Group and individual life insurance policies may offer benefits to the policy holder that are in addition to life insurance, such as will preparation, financial and estate planning, and probate services.

EHB 1227: CONCERNING RECREATIONAL VEHICLES USED AS PRIMARY RESIDENCES IN MANUFACTURED/MOBILE HOME COMMUNITIES

Prime Sponsor: Representative Springer

**Signed by the Governor*

- Cities, towns and counties may not prohibit recreational vehicles used as permanent residences from entering or require them to leave, manufactured/mobile home communities.
- This general rule does not apply to the legislative authority of cities, towns, and counties if the requirements of two health and safety exceptions are met.

EHB 1311: REGULATING REVERSE MORTGAGE LENDING PRACTICES

Prime Sponsor: Representative Kirby

(ESSB 5400 Senator Tom)

**Signed by the Governor*

- Proprietary reverse mortgage loans are regulated by the Department of Financial Institutions.

SHB 1420: REVISING REAL ESTATE SELLER DISCLOSURE REQUIREMENTS

Prime Sponsor: Representative Conway

**Signed by the Governor*

- Timber lands are no longer considered unimproved residential real property.
- Sellers of improved residential real property are required to report existence and Environmental Protection Agency certification status of any wood burning appliances, and numerous other small changes are made to both unimproved and improved residential real property disclosures.

EHB 1464: CONCERNING AFFORDABLE HOUSING INCENTIVE PROGRAMS

Prime Sponsor: Representative Springer

(SB 5544 Senator McDermott)

**Signed by the Governor*

- The incentive zoning program, originally enacted two years ago to increase the availability of affordable housing, is adjusted in three ways that are intended to maximize the original program's intent.

EHB 1530: CREATING THE GUARANTEED ASSET PROTECTION WAIVER MODEL ACT

Prime Sponsor: Representative Kirby

(SSB 5530 Senator Hobbs)

**Signed by the Governor*

- Businesses may not sell Guaranteed Asset Protection Waivers (GAP waivers) unless they either register with the Insurance Commissioner or transfer all GAP waiver contracts within 45 days.
- This restriction does not apply to federally- or state-regulated banks, financial institutions, and consumer loan companies, but these institutions may choose to register with the Insurance Commissioner.

SHB 1565: ADDRESSING BUSINESS CONTINUITY PLANS FOR DOMESTIC INSURERS

Prime Sponsor: Representative Kirby

(SB 5416 Senator Berkey)

**Signed by the Governor*

- The Office of Insurance Commissioner must adopt rules that set standards for business continuity planning in the event of a proclaimed emergency.

- The rules must apply to both insurance companies and insurance producers.

EHB 1566: GRANTING THE INSURANCE COMMISSIONER CERTAIN AUTHORITY WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY

Prime Sponsor: Representative Kirby

(SB 5669 Senator Berkey)

**Signed by the Governor*

- When the Governor proclaims an emergency for reasons of public disorder, disaster, or energy emergency the Insurance Commissioner may issue orders concerning four insurance policy matters.
- The duration of the Insurance Commissioner's order has a maximum term of 90 days, unless earlier terminated by the termination of the Governor's proclamation.

HB 1567: ADDRESSING INSURANCE, GENERALLY

Prime Sponsor: Representative Bailey

(SB 5670 Senator Berkey)

**Signed by the Governor*

- Requires consistency in reporting annual premiums by insurance companies.
- Makes replacement Medicare supplement insurance policies consistent with federal changes to the Medicare program.
- Corrects errors and removes obsolete language from the insurance statutes.

EHB 1568: REGULATING PERSONS SELLING, SOLICITING, OR NEGOTIATING INSURANCE

Prime Sponsor: Representative Bailey

(SB 5415 Senator Benton)

**Signed by the Governor*

- Clarifies that the term, insurance producer, does not include licensed surplus lines brokers.
- Licensing provisions for licensed surplus lines brokers, title insurance agents, and insurance adjusters are made consistent with the existing regulatory authority of the Office of Insurance Commissioner.

SHB 1621: REGULATING THE BUSINESS PRACTICES OF CONSUMER LOAN COMPANIES FOR COMPLIANCE WITH THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008

Prime Sponsor: Representative Kirby

(SSB 5759 Senator Berkey)

**Signed by the Governor*

- In order to become consistent with the requirements of a federal law enacted in response to the mortgage crisis, the S.A.F.E. Act, changes are made to the licensing and regulatory provisions in Washington applying to consumer loan companies.
- Effective January 1, 2010, loan originators who work for consumer loan companies must apply to the nationwide mortgage licensing system and registry, established and maintained by the federal government.
- Both licensed mortgage brokers and loan originators receive a unique identifying number from the registry intended for informational use by the public and regulators in all states.
- Other, more detailed licensing and regulatory requirements become effective July 1, 2010.

SHB 1663: CREATING RELOCATION ASSISTANCE RIGHTS FOR NONTRANSIENT RESIDENTS OF HOTELS, MOTELS, OR OTHER PLACES OF TRANSIENT LODGING THAT ARE SHUT DOWN BY GOVERNMENT ACTION

Prime Sponsor: Representative Goodman

**Signed by the Governor*

- Long-term residents of hotels and motels are entitled to relocation assistance if the hotel or motel is condemned or made unlawful to be occupied.
- Any rental agreement for transient or nontransient lodging that is designed to prevent payment of relocation assistance is unenforceable.

SHB 1749: REGULATING THE BUSINESS PRACTICES OF MORTGAGE BROKERS FOR COMPLIANCE WITH THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008

Prime Sponsor: Representative Bailey

(SB 5749 Senator Berkey)

**Signed by the Governor*

- The Department of Financial Institutions is given statutory authority to create the licensing and regulatory structure required by the Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E.) effective in 2010.
- Mortgage brokers and loan originators must apply for and renew licensing through the federal nationwide mortgage licensing system and registry.

HB 1826: ADDRESSING THE PROCEEDS FROM FORECLOSURE SALES

Prime Sponsor: Representative Rodne

**Signed by the Governor*

- In foreclosures on mortgages, if there is any surplus left after the foreclosure sale the surplus is first paid to the junior lien holders before any final surplus is released to the former homeowner, similar to foreclosures on deeds of trust.

HB 1888: REPEALING RCW 46.12.295

Prime Sponsor: Representative Springer

**Signed by the Governor*

- Responsibility for titling functions of mobile homes is transferred from the Department of Community, Trade and Economic Development to the Department of Licensing.

SHB 2013: ALLOWING THE OWNER OF A SELF-SERVICE STORAGE FACILITY TO OFFER SELF-SERVICE STORAGE INSURANCE

Prime Sponsor: Representative Green

(SSB 5933 Senator McDermott)

**Signed by the Governor*

- The Insurance Commissioner may license owners of self-service storage facilities to sell self-service storage insurance.
- If an owner opts to sell insurance, that owner must pay fees and meet minimum requirements for licensure, including provision of Commissioner-approved training programs for any employee selling insurance.
- Owners may require insurance as a condition of rental. If an owner both requires and sells insurance, that owner must inform prospective renters that the insurance he or she sells will satisfy the insurance requirement.

SHB 2061: CONCERNING THE POWERS OF THE PUBLIC DEPOSIT PROTECTION COMMISSION IN REGARD TO BANKS, SAVINGS BANKS, AND SAVINGS ASSOCIATIONS AS PUBLIC DEPOSITARIES

Prime Sponsor: Representative Kirby

(SB 5928 Senator Brown)

**Signed by the Governor*

- The Public Deposit Protection Commission (Commission) is given authority to use additional regulatory tools and to require more timely information from banks (public depositaries) approved to accept deposits from governmental entities (public deposits).
- While all public depositaries currently agree to share in any losses occasioned by those that may fail, the limitation on this shared liability is clarified.
- If the public depositary's public deposits are 100 percent collateralized by collateral approved by the Commission, the limitation on liability is 10 percent of all uninsured public deposits that the bank holds.

GOVERNMENT OPERATIONS & ELECTIONS

786-7432

SB 5017: ELIMINATING THE REQUIREMENT THAT AUDITORS SEND A BALLOT OR AN APPLICATION TO RECEIVE A BALLOT TO INACTIVE VOTERS

Prime Sponsor: Senator McDermott

(HB 1019 Representative Hunt)

**Signed by the Governor*

- A county auditor is not required to send each inactive voter either a ballot or an application to receive a ballot at least 18 days prior to a primary, general, or special election.

SSB 5030: CONCERNING MILITIA RECORDS, PROPERTY, COMMAND, AND ADMINISTRATION

Prime Sponsor: Senator Kilmer

(HB 1035 Representative Hurst)

**Signed by the Governor*

- The Adjutant General must provide state military records to the State Archive for storage. Additional copies need no longer be kept in the office of the Adjutant General.
- The Adjutant General is declared the commander of the Washington State National Guard, subject to the orders of the Governor.

SSB 5035: IMPROVING VETERANS' ACCESS TO SERVICES

Prime Sponsor: Senator Hobbs

(HB 1051 Representative Morrell)

**Signed by the Governor*

- The Washington Department of Veterans Affairs (WDVA) must create a five-year plan to identify all veterans in the state of Washington and must identify veterans as the population changes.
- The WDVA must identify improved referral methods and improved communication tools so veterans can be directed to available state and federal aid programs.
- A report is due to the Legislature on January 1, 2010.

SB 5120: REGARDING AGRICULTURAL STRUCTURES

Prime Sponsor: Senator Fairley

**Signed by the Governor*

- Permit and inspection fees for new agricultural structures should not exceed the direct and indirect costs associated with reviewing permit applications, conducting inspections, and preparing specific environmental documents.
- Agricultural structures are defined as structures that are designed and constructed to house farm implements, hay, grain, poultry, livestock, and other horticultural products. Agricultural structures may not be open to the public, used as a place of human habitation, or used as a place of employment where agricultural products are processed, treated, or packaged.
- The State Auditor must conduct a performance audit of the reasonableness of building and inspection fees in eight counties. The State Auditor must choose four counties west, and four counties east of the Cascade Mountains. In conducting the audit, the State Auditor must establish and consult with a county government advisory committee consisting of members of local governments and other interested parties as determined by the State Auditor.
- The State Auditor must report to the appropriate legislative committees by December 31, 2009.

SB 5233: ADDRESSING COUNTY ELECTED OFFICIALS KEEPING OFFICES AT THE COUNTY SEAT

Prime Sponsor: Senator Delvin

(SHB 1369 Representative Haler)

**Signed by the Governor*

- County boards of commissioners may provide additional office space for county officers outside the courthouse, so long as that officer still maintains an office in the courthouse.
- The office in the courthouse does not need to be the official office for that officer.

ESSB 5238: AUTHORIZING THE DEPARTMENT OF RETIREMENT SYSTEMS TO ASSIST WITH MAILING INFORMATION TO CERTAIN MEMBERS OF THE STATE RETIREMENT SYSTEMS

Prime Sponsor: Senator Keiser

(HB 1219 Representative Green)

**Signed by the Governor*

- The Department of Retirement Systems may assist retirement organizations in conducting blind mailings to eligible retirees.
- The organization requesting the mailing must pay all postage as well as costs related to producing mailing labels, stuffing and sealing envelopes, and delivering the materials to a mail center or post office.

SSB 5267: REGARDING THE ISSUANCE OF CHECKS BY JOINT OPERATING AGENCIES AND PUBLIC UTILITY DISTRICTS

Prime Sponsor: Senator Sheldon

(EHB 1728 Representative Takko)

**Signed by the Governor*

- If the treasurer of the district is some other person than the treasurer of the county, the board of a joint operating agency or a public utility district commission is authorized to adopt a policy for the payment of claims or other obligations by check or warrant.
- The board or commission must designate the public depository upon which to draw checks as well as the officers required or authorized to sign checks.
- The term "warrant" includes checks when permitted in accordance with the provisions of the act.

SSB 5270: MODIFYING VOTER REGISTRATION PROVISIONS

Prime Sponsor: Senator McDermott

(HB 1622 Representative Appleton)

**Signed by the Governor*

- A person seeking to vote at any primary, special, or general election must submit an application not later than 29 days before the election or register in person at the county auditor's office in that person's county of residence no later than eight days before the election.
- A person or organization that collects voter registration applications must transmit the forms to the Secretary of State within five business days.
- Additional technical changes are made to the voter registration statutes.

SSB 5271: MODIFYING PROVISIONS RELATING TO CANDIDATE FILING

Prime Sponsor: Senator Oemig

(SHB 1363 Representative Hunt)

**Signed by the Governor*

- Declarations of candidacy for the state Legislature, the court of appeals, or the superior court must be filed with the county auditor if the candidate's district is comprised of voters from only one county. Previously, candidates from a district that represents voters in a single county had the option of filing with the county auditor or the Secretary of State (SOS).
- Declarations for statewide, or multi-county offices must be filed with the SOS.
- Corresponding fee provisions are updated accordingly.
- The \$1 filing fee for precinct committee officers is eliminated.

SB 5322: CREATING A FIVE-MEMBER OPTION FOR CIVIL SERVICE COMMISSIONS FOR SHERIFFS' OFFICES

Prime Sponsor: Senator Fairley

(HB 1760 Representative Ormsby)

**Signed by the Governor*

- A county legislative authority or authorities may enact an ordinance increasing the number of commission members on a civil service commission for a sheriff's office from three to five. The two additional commissioners serve six-year terms. At the time the two additional commissioners are appointed, no more than three members may be from the same political party.
- For a five-member commission, three members constitute a quorum and the votes of three concurring members are sufficient to make a decision.

SSB 5327: MAKING TECHNICAL CORRECTIONS TO ELECTION PROVISIONS

Prime Sponsor: Senator Oemig

(HB 1364 Representative Hunt)

**Signed by the Governor*

- A first-class school district containing a first-class city and located in a county with a population of 210,000 or more must hold school board elections on a biennial basis. School board directors may be elected for six-year terms and serve until their successor is elected, qualified, and assumes office.
- The declaration of candidacy filing period for city and town elective positions must be between 45 and 60 days prior to the primary election in which the initial elected officials are nominated. Candidates may withdraw their declaration at any time within five days after the last day allowed for filing a declaration of candidacy.

SB 5354: REGARDING PUBLIC HOSPITAL CAPITAL FACILITY AREAS

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- A process is established for creating a public hospital capital facilities area (PHCFA). Following the submission of a petition to create a PHCFA, the legislative authority must submit two ballot proposals to the voters: one for creation of the PHCFA, and one for financing the PHCFA. Both proposals must pass for the PHCFA to be created.
- A PHCFA is a quasi-municipal corporation and independent taxing unit existing within the boundaries of a county composed entirely of islands that receives medical services from a hospital district, but is prevented by geography from annexing to that district.
- Any challenges to the legal existence of the PHCFA must commence within 30 days of the filing of a certificate of the canvass of an election. After that time, the PHCFA is deemed duly and regularly organized.

SB 5355: REGARDING INITIAL LEVY RATES FOR RURAL COUNTY LIBRARY DISTRICTS

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- The maximum initial levy rate for the creation of a rural county library district may be included as part of the petition. If included in the petition, the proposed initial maximum levy rate must also be included in the ballot proposition.
- The initial levy rate may not exceed the rate limit set in statute or, if applicable, the initial maximum levy rate specified in the ballot proposition approved by the voters.

SB 5359: PREVENTING REJECTION OF BALLOTS THAT HAVE VOTER IDENTIFYING MARKS

Prime Sponsor: Senator Oemig

**Signed by the Governor*

- Prohibits an elections official from entering into or extending a contract with a vendor if the contract allows the vendor to acquire an ownership interest in data or information pertaining to a voter, or any ballot.

- An election official may not mark a ballot or direct that a ballot be marked in a way that would identify the voter.

SB 5426: AUTHORIZING CERTAIN AREAS IN CITIES OR TOWNS TO ANNEX TO A FIRE PROTECTION DISTRICT

Prime Sponsor: Senator Kastama

(HB 1561 Representatives Morrell)

**Signed by the Governor*

- A city that is located in two counties is authorized to annex a portion of the city to a fire district.
- The part of the city to be annexed must: (1) be adjacent to the boundaries of the fire district; (2) have a population greater than 5,000 but less than 10,000; (3) lie entirely within one of the two counties; and (4) contain at least 80 percent of the population of the entire city.
- The same approval process used for completing an entire city annexation must be used for annexing a portion of a city. This includes a special election to be held for final voter approval.

2SSB 5433: MODIFYING PROVISIONS OF LOCAL OPTION TAXES

Prime Sponsor: Senator Regala

**Signed by the Governor/partial veto*

**SSB 5031 is incorporated in its entirety into 2SSB 5433.*

- Partially eliminates non-supplant language for public safety sales and use tax. Phases out partial elimination of non-supplant language over a five-year period. Includes fire protection services within one-third dedication of revenue requirements.
- Partially eliminates non-supplant language for chemical dependency/mental health sales and use tax. Phases out partial elimination of non-supplant language over five-year period.
- Reduces ferry district property tax rate in King County from 75 cents per \$1,000 of assessed value to 7.5 cents.
- Authorizes King County to impose additional property tax at a rate not to exceed 7.5 cents per \$1,000 of assessed value. Dedicates first one cent to expanding transit capacity along State Route 520. Remainder of money is dedicated to transit-oriented expenditures.
- ~~Authorizes various local transit agencies to seek voter approval for a congestion reduction tax. Caps rate at \$20 per vehicle. (PV)~~

SSB 5481: CONCERNING VETERANS' BURIALS

Prime Sponsor: Senator Marr

(SHB 1001 Representative Parker)

**Signed by the Governor*

- Human remains that have been unclaimed for a period of 90 days or more are required to be transferred to the custody of the Department of Veteran Affairs if the department certifies that the remains are of a deceased veteran or veteran's dependent.
- The person, entity, state, state employees, and state agents are granted immunity from any liability relating to the transfer of such human remains to the department.

SSB 5539: REGARDING INVESTMENT EXPENSES OF COUNTIES

Prime Sponsor: Senator Oemig

(HB 1639 Representative Hunter)

**Signed by the Governor*

- Requires county investment pools be made available to local governments seeking to invest funds with the county. A county treasurer must honor the request from a local government to invest its funds in a county investment pool.
- Clarifies that actual expenses include only the county treasurer's direct and out-of-pocket costs. Any indirect or loss-of-opportunity cost will not be included in determining the county's actual expenses.
- Defines "direct costs."

**SB 5587: AUTHORIZING EXISTING CITY AND COUNTY REAL ESTATE
EXCISE TAXES TO BE EXPENDED ON MUNICIPALLY OWNED
HEAVY RAIL SHORT LINES**

Prime Sponsor: Senator Pridemore

(HB 1910 Representative Wallace)

**Signed by the Governor*

- Allows up to 25 percent of the proceeds collected from a locally-imposed real estate excise tax before December 31, 2008, to be used for municipally-owned heavy short line railroads.
- The term "short line railroad" is defined to mean class III railroads as defined by the U.S. Surface Transportation Board.
- The legislation expires June 30, 2012.

**SB 5599: APPROVING THE ENTRY OF WASHINGTON INTO THE
AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY
NATIONAL POPULAR VOTE**

Prime Sponsor: Senator McDermott

(HB 1598 Representative Goodman)

**Signed by the Governor*

- Washington State enters into the same national popular vote contract enacted by Hawaii, Illinois, Maryland, and New Jersey. This is an agreement to award the state's electoral votes to the presidential candidate who receives the most popular votes in the country as a whole.
- This agreement will only take effect when enough states to constitute an electoral majority have entered into the same agreement.
- A member state may withdraw from this agreement. However, no member state may withdraw six months or less before the end of a president's term.
- *Referendum 70 has been filed on SB 5599. If sufficient signatures are gathered this measure will be placed on the November ballot, which must pass before the bill becomes law.*

**E2SSB 5688: EXPANDING THE RIGHTS AND RESPONSIBILITIES OF STATE
REGISTERED DOMESTIC PARTNERS**

Prime Sponsor: Senator Murray

(2SHB 1727 Representative Pedersen)

**Signed by the Governor*

- It is the intent of the Legislature that for all purposes under state law, state registered domestic partners must be treated the same as married persons.
- Agencies must amend their rules to reflect the intent of the Legislature to ensure that all privileges, immunities, rights, benefits, or responsibilities granted or imposed by statute to an individual because that individual is or was a spouse in a marital relationship are granted or imposed on equivalent terms to an individual because that individual is or was in a state registered domestic partnership.
- The terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family are interpreted as applying equally to state-registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage apply equally to state-registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law.
- Gender specific terms such as husband and wife used in any statute, rule, or other law are construed to be gender neutral, and applicable to individuals in state-registered domestic partnerships.
- *Referendum 71 has been filed on E2SSB 5688. If sufficient signatures are gathered this measure will be placed on the November ballot, which must pass before the bill becomes law.*

SSB 5705: REGARDING VOTING RIGHTS IN SPECIAL DISTRICTS

Prime Sponsor: Senator Swecker

**Signed by the Governor*

- A new category of special district consisting of those special flood control districts located in three or more counties is created.
- All registered voters within a three-county district are qualified to vote in elections and each may cast a single vote.
- An election in a three-county district may be held on any date authorized by law and the holding of such election is not limited to the first Tuesday following the first Monday in November in odd-numbered years.

SB 5739: REVISING PROVISIONS RELATING TO RENEWING A CONCEALED PISTOL LICENSE BY MEMBERS OF THE ARMED FORCES

Prime Sponsor: Senator King

**Signed by the Governor*

- Members of the armed forces, who are serving outside the state when their concealed pistol license (CPL) expires, may renew their license within 90 days of returning to Washington State.
- The \$10 late fee for renewal of a CPL after the expiration date is removed for members of the armed forces that meet these conditions.

ESSB 5808: CONCERNING THE ANNEXATION OF UNINCORPORATED AREAS SERVED BY FIRE PROTECTION DISTRICTS

Prime Sponsor: Senator Fairley

(SHB 2020 Representative Simpson)

**Signed by the Governor*

- If any portion of a fire protection district is proposed for annexation to or incorporation into a city, code city, or town, both the fire protection district and the city, code city, or town must jointly inform the employees of the fire protection district about hires, separations, terminations, and any other changes in employment that are a direct consequence of annexation or incorporation at the earliest reasonable opportunity.
- An annexation by a city or town that is proposing to annex territory served by one or more fire protection districts may be accomplished by ordinance after entering into an interlocal agreement with the county and fire protection district or districts that have jurisdiction over the territory proposed for annexation. The interlocal agreement must describe the boundaries of the territory proposed for annexation.
- Cities and towns conducting annexations of all or part of fire protection districts are required, at least through the budget cycle in which the annexation occurs or the following budget cycle if the annexation occurs in the last half of the current budget cycle in which the annexation occurs, to maintain existing fire protection and emergency services response times in the newly annexed areas consistent with response times recorded prior to the annexation as defined in the previous annual report for the fire protection district and as reported in statute.

SB 5844: CHANGING PUBLIC WORKS BID LIMITS

Prime Sponsor: Senator Tom

(HB 1198 Representative Haigh)

**SB 5844 and its companion HB 1198 were not enacted, but their provisions are substantially similar to those in ESHB 1847.*

ESB 5915: AUTHORIZING EMERGENCY RULE MAKING WHEN NECESSARY TO IMPLEMENT BUDGET APPROPRIATIONS AND REDUCTIONS

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- A third cause for which an agency may adopt an emergency rule if it finds good cause is added.
- In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule

would be contrary to the fiscal needs or requirements of the agency, the agency may dispense with the requirements and adopt, amend, or repeal the rule on an emergency basis.

ESSB 5967: PROHIBITING UNFAIR PRACTICES IN PUBLIC COMMUNITY ATHLETICS PROGRAMS BY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX

Prime Sponsor: Senator Kohl-Welles

(HB 2124 Representative Rolfes)

**Signed by the Governor*

- No city, town, county, or district may discriminate against any person in a community athletics program on the basis of sex.
- Each entity operating or issuing permission to operate such a program must adopt a nondiscrimination policy by January 1, 2010. This policy must be published, along with the name and contact information for the employee responsible for compliance.
- School districts operating community athletics programs must also adhere to these requirements, but may use and modify existing school policies to the extent possible. School districts are not required to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school facilities.

ESB 5995: ELIMINATING CERTAIN BOARDS, COMMITTEES, AND COMMISSIONS AND THE TRANSFER OF CERTAIN DUTIES

Prime Sponsor: Senator Pridemore

(HB 2087 Representative Springer)

**Signed by the Governor*

- Establishes an intent section that states that the Legislature, during interim, will identify criteria to evaluate advisory boards, committees, and commissions that may be eliminated or consolidated.
- Eighteen boards and committees are eliminated.

ESHB 1018: MODIFYING WHEN A SPECIAL ELECTION MAY BE HELD

Prime Sponsor: Representative Appleton

(SB 5016 Senator McDermott)

**Signed by the Governor*

- The special elections date in March is eliminated and the May special elections date is only permitted for tax levies that failed previously in that calendar year and new bond issues. The special elections date in May must be eliminated on July 1, 2011.
- The February special elections date is changed from the first Tuesday of the month to the second Tuesday of the month.
- Any resolution calling for a special election in either February or April must be presented to the county auditor at least 45 days prior to the election date instead of 52 days.

HB 1034: CONCERNING RENTAL OR LEASE OF ARMORIES

Prime Sponsor: Representative Morrell

(SB 5031 Senator Fairley)

**Signed by the Governor*

- State-owned armories may be rented or leased for public or private community activities.
- Renters will be charged based on the schedule of rental charges prepared by the Adjutant General.

SHB 1036: CONCERNING THE WASHINGTON CODE OF MILITARY JUSTICE

Prime Sponsor: Representative Kelley

(ESSB 5032 Senator Hobbs)

**Signed by the Governor*

- The Washington Code of Military Justice (WCMJ) is updated to reflect changes in the Uniform Code of Military Justice.
- The National Guard is given jurisdiction over "military offenses." A "military offense" is any offense listed in the WCMJ, such as absence without leave or being drunk on duty.

- Two new offenses are punishable under the WCMJ: assault between members of the National Guard; and the sale, possession, use, or introduction into military property of illegal substances.
- Updates and clarifies the WCMJ for drunk and reckless driving, and sets a maximum blood alcohol content limit of 0.08 percent.
- Increases the maximum fine for a general court martial from \$200 to \$300.

HB 1048: REPEALING PROVISIONS ADDRESSING THE SALE, LEASE, OR CONVEYANCE OF MUNICIPAL PROPERTY IN COMMERCIAL AREAS TO PRIVATE PARTIES FOR FREE PUBLIC PARKING FACILITIES IN CITIES WITH POPULATIONS OVER THREE HUNDRED THOUSAND

Prime Sponsor: Representative Simpson

(SB 5047 Senator McDermott)

**Signed by the Governor*

- When selling certain types of public real property, cities with a population over 300,000 are no longer required to offer a first right of purchase to private parties who intend to use or develop the land for free public parking.

EHB 1049: CONCERNING VETERANS' RELIEF

Prime Sponsor: Representative Rolfes

(SSB 5036 Senator Kilmer)

**Signed by the Governor*

- The definition of veteran for purposes of veterans' relief programs is expanded to include current members of the National Guard and Armed Forces Reserves who have been deployed to serve in an armed conflict.

HB 1050: ADJUSTING VETERANS' SCORING CRITERIA

Prime Sponsor: Representative Kelley

(SB 5034 Senator Shin)

**Signed by the Governor*

- Removes the requirement that public employees called to active military service must serve for at least one year in active status to claim a scoring preference on promotional exams.

HB 1066: REGARDING SPECIAL ELECTIONS FOR CHANGING THE FORM OF GOVERNMENT OF A NONCHARTER CODE CITY

Prime Sponsor: Representative Rolfes

(SB 5054 Senator Rockefeller)

**Signed by the Governor*

- The citizens of a noncharter code city may vote to change the city's plan of government at a special election held prior to the next general election if the special election is called for in the resolution.
- This bill contains an emergency clause and is effective immediately.

HB 1121: CREATING THE WASHINGTON STATE FLAG ACCOUNT

Prime Sponsor: Representative Rodne

(SB 5053 Senator Hobbs)

**Signed by the Governor*

- The Secretary of State is authorized to solicit and receive money to purchase and donate Washington State flags to state military personnel.
- The Washington State Flag Account is created. Monies received for the donation of state flags will be deposited in this account and may only be used for the purpose of donating state flags.

2SHB 1172: IMPLEMENTING A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

Prime Sponsor: Representative Simpson

(SSB 5165 Senator Jarrett)

**Signed by the Governor*

- Requires, subject to the availability of funds, the Department of Community, Trade and Economic Development (CTED) to establish a regional transfer of development rights program in the central Puget Sound Region.
- Establishes related administrative, rule-making, and performance monitoring requirements for CTED.
- Establishes requirements for jurisdictions and areas that participate in the program.

HB 1195: REGARDING PAYMENT OF UNDISPUTED CLAIMS

Prime Sponsor: Representative Haigh

(SB 5399 Senator Rockefeller)

**Signed by the Governor*

- Upon satisfactory completion of additional work on a public works project that is outside the scope of the contract and not in dispute, the state or municipality must issue a change order within 30 days.
- If a change order is not issued within the time limit, the state or municipality must pay interest at a rate of 1 percent per month.

HB 1196: INCREASING THE DOLLAR LIMIT FOR SMALL WORKS ROSTER PROJECTS

Prime Sponsor: Representative Haigh

**Signed by the Governor*

- The maximum dollar amount permitted for use of the small works roster is increased from \$200,000 to \$300,000.
- The monetary range requiring notification to be given to all contractors on the roster raises to \$150,000 and \$300,000.

HB 1197: REGARDING ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES

Prime Sponsor: Representative Haigh

(SB 5397 Senator Rockefeller)

**Signed by the Governor*

- The Capital Projects Advisory Review Board (CPARB) is instructed to develop guidelines for the Project Review Committee (Committee) to use in approving design-build demonstration projects.
- The Committee may approve up to ten design-build projects that have a cost between \$2 million and \$10 million. In June of 2010, the Committee must report to CPARB on recommendations for continued use of design-build procedures for projects under \$10 million.
- The Department of General Administration, the University of Washington, and Washington State University may issue job contract work orders for the regional universities and The Evergreen State College.
- Bids for contracts using general contractor/construction manager procedures must be publicly opened and read, and all previous scoring must be available to the public.

HB 1199: REGARDING RETAINAGE OF FUNDS ON PUBLIC WORKS PROJECTS

Prime Sponsor: Representative Haigh

(SB 5396 Senator Rockefeller)

**Signed by the Governor*

- Statutes and other references relating to retainage on public works contracts entered into prior to September 1, 1992, are repealed or removed.
- A statute relating to the effect of the petroleum shortage on public works contracts entered into prior to November 1, 1973, is repealed.

E2SHB 1208: CONCERNING PROPERTY TAX ADMINISTRATION

Prime Sponsor: Representative Takko

**Signed by the Governor*

- Allows a county treasurer to use a verification of payment rather than a stamp to show evidence of payment of the real estate excise tax.
- Makes payment dates for diking, drainage, or sewerage improvement district assessments the same as for property taxes.
- Requires that property tax refund claims be made within three years of the due date for payment.

HB 1230: REGARDING CONSTRUCTION OR IMPROVEMENTS FOR SPECIAL PURPOSE DISTRICTS

Prime Sponsor: Representative Armstrong

**HB 1230 was not enacted, but its provisions are substantially similar to those in ESHB 1847.*

SHB 1286: PROHIBITING FALSE AND DEFAMATORY STATEMENTS ABOUT CANDIDATES FOR PUBLIC OFFICE

Prime Sponsor: Representative Miloscia

(SB 5211 Senator Sheldon)

**Signed by the Governor*

- It is a violation of campaign law for a person to sponsor, with actual malice, a statement constituting libel or defamation per se under certain circumstances.
- A candidate is prohibited from submitting a defamatory or libelous statement to the Secretary of State for inclusion in the voters' pamphlet about his or her opponent.
- If a person makes a false statement, with actual malice, about himself or herself or falsely represents himself or herself as an incumbent, it is not libel or defamation and is not a violation of the campaign laws. Persons and organizations cannot defame themselves.
- If a violation is proven, damages are presumed and do not need to be proven.

SHB 1291: CHANGING LIBRARY DISTRICT ANNEXATION PROVISIONS

Prime Sponsor: Representative Maxwell

**Signed by the Governor*

- The maximum population allowed for annexation to a library district, by a city or town, is increased from 100,000 to 300,000.

ESHB 1379: REGARDING MORATORIA AND OTHER INTERIM OFFICIAL CONTROLS ADOPTED UNDER THE SHORELINE MANAGEMENT ACT

Prime Sponsor: Representative Seaquist

**Signed by the Governor*

- Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement the Shoreline Management Act (SMA). A moratorium or control under the SMA may be effective for up to six months and may be renewed for two additional six-month periods if the local government satisfies public hearing, fact finding, and notification requirements before each renewal.
- All lawfully existing uses, structures, or other development must continue to be deemed lawful conforming uses and may be maintained, repaired, and redeveloped so long as the use is not expanded under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.
- If a local government has effectuated a moratorium or control, and during this period submits a proposed master program or amendment to the Department of Ecology (Department), the moratorium or control will remain in effect until the Department has taken final action on the proposal. The moratorium or control will expire six months from the date of submitting the proposed master program or amendment if final action has not been taken by the Department.

HB 1380: CHANGING THE COUNTY POPULATION REQUIREMENT IN ORDER FOR A COUNTY TO LEASE SPACE WITH AN OPTION TO PURCHASE

Prime Sponsor: Representative Liias

(SB 5447 Senator Fairley)

**Signed by the Governor*

- The county minimum population requirement to lease space with an option to purchase is decreased from one million to 600,000.

EHB 1461: REGARDING OPTIONS FOR DETERMINING THE PAY PERIODS FOR COUNTY EMPLOYEES

Prime Sponsor: Representative Bailey

**Signed by the Governor*

- Counties may set weekly pay periods.
- Counties currently using a semi-monthly pay period may adopt a bi-weekly pay period where employees must be paid within 13 days of the end of the pay period.

HB 1475: REQUIRING STATE AGENCY RULE-MAKING INFORMATION TO BE POSTED ON EACH STATE AGENCY'S WEB SITE

Prime Sponsor: Representative Orcutt

**Signed by the Governor*

- State agencies are required to maintain a website containing the agency's rulemaking information, including the complete text of proposed rules, emergency rules, and permanent rules proposed or adopted within the previous 12 months.
- A direct link to the rulemaking page must be displayed on the agency's homepage. An agency's rulemaking website may contain a direct link to the index page on the Washington State Register website that includes the agency's rulemaking activity.
- The agency rulemaking website must include the time, date, and place for the required hearings of a proposed rule and procedures and timelines for submitting written comments and supporting data.

EHB 1513: ALLOWING MUNICIPALITIES TO PARTICIPATE IN FINANCING THE DEVELOPMENT OF WATER OR SEWER FACILITY PROJECTS

Prime Sponsor: Representative Haler

**Signed by the Governor*

- Municipalities may participate in financing local water and sewer facilities, and have the same right of reimbursement (commonly called latecomers agreements) as developers and property owners.
- A municipality's reimbursement is limited to the dollar amount authorized in the original ordinance, contract, or agreement. However, this limit does not apply to other charges for services or infrastructure outside the original ordinance, contract, or agreement.

HB 1517: CHANGING REQUIREMENTS FOR THE RESTORATION OF THE RIGHT TO VOTE FOR PEOPLE CONVICTED OF FELONIES

Prime Sponsor: Representative Darneille

(SB 5534 Senator Kohl-Welles)

**Signed by the Governor*

- For a person convicted of a felony, the right to vote is provisionally restored so long as that person is not under the authority of the Department of Corrections (DOC). Under the authority of the DOC means serving a sentence of confinement, or subject to community custody.
- The sentencing court may revoke the provisional restoration upon determination that the person has willfully failed to comply with his or her order to pay legal financial obligations, including restitution. If the person has

failed to make three payments in a 12-month period and the county clerk or the restitution recipient requests, the prosecutor must seek revocation of the provisional restoration of voting rights.

- The Secretary of State must compare a list of registered voters to a list of felons who are not eligible to vote at least twice per year instead of four times.
- The right to vote may be permanently restored by a certificate of discharge or court order from the sentencing court, a final order of discharge from the indeterminate sentence review board, or a certificate of restoration from the Governor.

SHB 1552: REGARDING PUBLIC COMMENT AT RULE-MAKING HEARINGS

Prime Sponsor: Representative Kretz

**Signed by the Governor*

- During a rule-making hearing, all interested parties must have the opportunity to comment individually.
- All comments by all persons must be made in the presence and hearing of other hearing attendees. Written or electronic submissions may be accepted and included in the record.

ESHB 1553: ADDRESSING CLAIMS FOR DAMAGES AGAINST THE STATE AND LOCAL GOVERNMENTAL ENTITIES

Prime Sponsor: Representative Takko

**Signed by the Governor*

- Amends procedures applicable to claims filed against local governments and the state, including requiring the claim to be presented on a standard tort claim form.
- Provides that substantial compliance with the procedural requirements of the claim filing statutes is satisfactory.
- Allows an action to be commenced in court within five days after the expiration of the 60-day period in the claim filing statute.
- Provides that claims involving health care are governed by the medical malpractice statutes.

HB 1569: ESTABLISHING LOCAL PUBLIC WORKS ASSISTANCE FUNDS

Prime Sponsor: Representative Liias

**Signed by the Governor*

- A county legislative authority may use existing revenue resources of the county to establish a local Public Works Assistance Fund (PWAFF). Monies from the PWAFF may only be used for the purpose of financing public works projects located wholly or partially within the county.
- A county, in consultation with cities and towns within the county, is authorized to make loans to local governments from this fund to help finance public works projects. A county may not pledge any amount greater than the sum of the money in its PWAFF plus money to be received from the payment of the debt service on loans made from that PWAFF.
- A prioritization process for funding public works projects must be developed by county legislative authorities utilizing or providing money from a PWAFF. Priority must be given to projects necessary to address public health needs, substantial environmental degradation, or to increase existing capacity necessary to accommodate projected population and employment growth.

HB 1578: REGARDING THE BOARD OF DIRECTORS OF AN AIR POLLUTION CONTROL AUTHORITY

Prime Sponsor: Representative Driscoll

(SB 5374 Senator Fairley)

**Signed by the Governor*

- A mid-term vacancy on the air pollution control board must be filled by the same method as the original appointment, except for appointments made by the city selection committee, which must use either the meeting or mail-in-ballot procedure.
- For any mid-term vacancies filled by the city selection committee, the county auditor is required to solicit nominations from the city selection committee members prior to initiating the mail-in ballot process.

SHB 1583: MODIFYING PROVISIONS RELATING TO COUNTY AUDITORS

Prime Sponsor: Representative Alexander

**Signed by the Governor*

- Amends numerous statutes pertaining to the duties of county auditors in order to clarify existing law, deletes obsolete statutory provisions, streamlines county procedures, eliminates outdated practices and archaic language, and makes technical corrections.
- Repeals various county auditor statutes regarding procedural requirements for handling school district funds and other statutory duties.

SHB 1692: ADDRESSING THE AUTHORITY OF THE BOARD OF DIRECTORS OF A PUBLIC FACILITIES DISTRICT

Prime Sponsor: Representative Driscoll

(SB 5874 Senator Marr)

**Signed by the Governor*

- The board of directors of a public facilities district is required to identify, in its annual budget, proposed expenditures for promotional activities.
- The board must also adopt written rules governing promotional hosting by its employees, agents, and the board itself.

SHB 1825: IDENTIFYING SPECIFIC FACILITIES PLANNING REQUIREMENTS UNDER THE GROWTH MANAGEMENT ACT

Prime Sponsor: Representative Rodne

**Signed by the Governor*

- Each city within a county fully planning under the Growth Management Act must identify areas sufficient to accommodate the full range of needs and uses that will accompany projected urban growth. The land uses that must be identified include facilities for medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.
- Countywide economic development and employment policies must include consideration of the future development of commercial and industrial facilities.
- A county or city that chooses to amend their comprehensive plan to accommodate projected housing and employment growth must also include sufficient land capacity to accommodate commercial and industrial uses.

ESHB 1847: REGARDING BID LIMITS

Prime Sponsor: Representative Haigh

**Signed by the Governor*

**SB5844 and its companion HB 1198 were not enacted, but their provisions are substantially similar to those in ESHB 1847.*

**HB 1230 was not enacted, but the provisions are substantially similar to those in ESHB 1847.*

- Bid limits for public works and purchases of materials, supplies, or equipment are increased.
- Public works bid limits for higher education; first class cities and counties with a population over 400,000; second class cities, towns, code cities, and counties with a population of 400,000 and fewer; hospital districts; metropolitan park districts; fire protection districts; and water sewer districts are increased.
- The dollar amount for purchases that must be made by competitive contract is increased from \$10,000 to \$40,000 for water and sewer districts.

ESHB 1959: CONCERNING LAND USE AND TRANSPORTATION PLANNING FOR MARINE CONTAINER PORTS

Prime Sponsor: Representative Simpson

**Signed by the Governor*

- Requires cities with a qualifying marine container port in their jurisdiction to include a container port element in their comprehensive plans.
- Authorizes cities with a qualifying port district to include a marine industrial port element in their comprehensive plans.
- Requires the Department of Community, Trade and Economic Development to provide matching grant funds to cities to support development of the container port elements.
- Declares key freight transportation corridors that serve qualifying marine port facilities to be transportation facilities and services of statewide significance.

EHB 1967: PROHIBITING EXPANSIONS OF URBAN GROWTH AREAS INTO ONE HUNDRED YEAR FLOODPLAINS

Prime Sponsor: Representative White

**Signed by the Governor*

- A county, city, or town is generally prohibited from expanding an urban growth area into the 100-year floodplain of any river or river segment that is located west of the crest of the Cascade Mountains and has a mean annual flow of 1,000 or more cubic feet per second, except under certain specified circumstances.
- The mean annual flow of the rivers that may be subjected to this act is to be determined by the Department of Ecology.

ESHB 2126: CONSOLIDATING THE CEMETERY BOARD AND THE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Prime Sponsor: Representative Orwall

(SSB 5868 Senator Pridemore)

**Signed by the Governor*

- The Funeral and Cemetery Board is created as a consolidation of the Cemetery Board and the Board of Funeral Directors and Embalmers.
- Initial membership consists of the ten members of the existing boards. At the end of their terms, the board will be reduced to seven members appointed by the Governor.
- The Funeral and Cemetery Account is created. The Funeral Directors and Embalmers Account and the Cemetery Account are eliminated, and any funds remaining are transferred to the new account.

HB 2146: MODIFYING CONTRACT REQUIREMENTS FOR WATER OR SEWER FACILITIES

Prime Sponsor: Representative Ericks

**Signed by the Governor*

- The statutory time limit for infrastructure development reimbursement contracts (known as latecomer's agreements) is extended from 15 to 20 years.
- The conditions for extending the 15-year reimbursement period are amended to apply to the 20-year reimbursement period.

EHB 2285: ADDRESSING THE FORMATION OF LOCAL IMPROVEMENT DISTRICTS AND UTILITY LOCAL IMPROVEMENT DISTRICTS COMPRISED OF PROPERTY IN MORE THAN ONE CITY OR TOWN

Prime Sponsor: Representative Flannigan

**Signed by the Governor*

- Cities may form local improvement districts that are composed of areas located, entirely or in part, within an adjoining city's boundaries, but only with approval of the legislative authority of that adjoining city.

- Contains an emergency clause and is effective immediately.

SHB 2287: CONCERNING PAPER CONSERVATION

Prime Sponsor: Representative Kessler

**Signed by the Governor*

- Requires each state agency, by July 1, 2010, to implement a paper conservation and recycling program.
- Requires that by December 31, 2009, state agencies purchase 100 percent recycled content paper.
- Print projects that require the use of high volume production equipment are not required to meet the 100 percent recycled content standard, but must utilize the highest recycled content that can be utilized efficiently.

EHB 2299: CONCERNING FORMATION, OPERATION, AND NONSTATE FUNDING OF PUBLIC FACILITIES DISTRICTS (PFD)

Prime Sponsor: Representative Klippert

**Signed by the Governor*

- Certain contiguous groups of cities or their counties may form an additional PFD if one or more had previously formed a PFD. Such PFDs must be comprised of a minimum of two legislative authorities, including a maximum of three contiguous cities, solely or in combination with a maximum of two contiguous counties.
- The new PFD may be governed and operated by a board of directors using the already established method of seven board members, or by a new method of up to nine board members. Membership on boards with nine members must be divided evenly between the legislative authorities that created the PFD.
- If more than one PFD exists within the same geographic boundaries, the new PFD may not impose a voter-approved sales or use tax at a rate that exceeds 0.2 percent minus the rate of the highest tax already authorized by any other PFD within its boundaries.

HJM 4005: REQUESTING THE POSTAL SERVICE TO ISSUE A POSTAGE STAMP COMMEMORATING NISEI VETERANS

Prime Sponsor: Representative Santos

(SJM 8000 Senator Hobbs)

- The Legislature requests that the U.S. Postal Service issue a stamp commemorating the Nisei Veterans of World War II.

HEALTH & LONG-TERM CARE

786-7436

SSB 5056: REQUIRING HEALTH CARE PROFESSIONALS TO REPORT PATIENT INFORMATION IN CASES OF VIOLENT INJURY

Prime Sponsor: Senator Brandland

**Signed by the Governor*

- Health care providers must report gunshot or stab wounds to law enforcement as soon as reasonably possible if a patient is unconscious or unable to make such a report.
- Emergency medical personnel treating a patient with a bullet wound, knife wound, or a blunt force injury must provide specific information to law enforcement personnel when this information is requested. Emergency personnel are immune from liability for disclosing this information to law enforcement.

SSB 5117: ESTABLISHING INTENSIVE BEHAVIOR SUPPORT SERVICES

Prime Sponsor: Senator Hargrove

**Signed by the Governor*

- The Department of Social and Health Services must establish a program to support children with challenging behaviors to remain at home.
- The program must include intensive case management, evaluation, and monitoring.

2SSB 5346: CONCERNING ADMINISTRATIVE PROCEDURES FOR PAYORS AND PROVIDERS OF HEALTH CARE SERVICES

Prime Sponsor: Senator Keiser

(SHB 1647 Representative Driscoll)

**Signed by the Governor*

- The Insurance Commissioner must designate a private sector lead organization to convene work groups to define key processes, guidelines, and standards to streamline health care administrative procedures by December 31, 2010. The guidelines and standards include a uniform process for collecting credentialing information; a uniform standard companion document and data set for electronic eligibility and coverage verification; and guidelines for the use of code edits and claim denials.
- The lead organization must develop a common website for providers to obtain payors' pre-authorization, benefits advisory, and pre-admission requirements.
- The Department of Social and Health Services, the Health Care Authority, and Department of Labor and Industries must adopt the processes and guidelines developed by the lead organization, within funds appropriated. The Department of Health must implement standards that enable sharing professional licensing information for the uniform credentialing process, within funds appropriated.

SSB 5360: ESTABLISHING A COMMUNITY HEALTH CARE COLLABORATIVE GRANT PROGRAM

Prime Sponsor: Senator Keiser

**Signed by the Governor/partial veto*

- The Community Health Care Collaborative (CHCC) Grant Program is established to increase access to health care services especially for low income and uninsured individuals.
- The Health Care Authority is authorized to award two-year grants to organizations that meet established criteria as collaborative agencies.
- ~~The health care authority is required to submit reports on the performance of the grant program to the legislature and the governor every other year. (PV)~~
- Standards for participation in the CHCC Grant Program are described.

SSB 5369: REGARDING COUNSELING PROFESSIONS SUBJECT TO THE AUTHORITY OF THE SECRETARY OF HEALTH

Prime Sponsor: Senator Franklin

(HB 1514 Representative Green)

**Signed by the Governor*

- The Department of Health is given authority to regulate the newly created health professions created by the Legislature in 2008.

SSB 5391: REGULATING BODY ART, BODY PIERCING, AND TATTOOING PRACTITIONERS, SHOPS, AND BUSINESSES

Prime Sponsor: Senator Kastama

**Signed by the Governor*

- A license is required to practice body art, body piercing, and tattooing.
- The Department of Licensing is required to set minimum standards for body art, body piercing, and tattooing businesses.
- The Department of Health will set minimum safety and sanitation standards for practitioners.

ESB 5423: REGARDING CRITICAL ACCESS HOSPITALS NOT SUBJECT TO CERTIFICATE OF NEED REVIEW

Prime Sponsor: Senator Pflug

(HB 1460 Representative Morrell)

**Signed by the Governor*

- A critical access hospital is not subject to a certificate of need review for up to 25 swing beds as long as there isn't a licensed nursing home within the same city or town limits.
- The additional swing bed capacity must be phased in with no more than one half of the additional beds before July 1, 2009, and the balance phased in no sooner than July 1, 2010.
- See 2SHB 1021 for change in effective date for additional swing bed capacity.

SSB 5436: CONCERNING DIRECT PATIENT-PROVIDER PRIMARY CARE PRACTICE ARRANGEMENTS

Prime Sponsor: Senator Murray

(HB 1459 Representative Green)

**Signed by the Governor/partial veto*

- Direct patient-provider primary care practices may accept payment from self-insured plans and may accept a direct fee paid by an employer.
- ~~Direct practices must pay the assessment to the Washington State Health Insurance Pool. (PV)~~
- ~~Marketing materials provided by a direct practice must be filed for approval with the Insurance Commissioner prior to use. (PV)~~

SB 5480: CREATING THE WASHINGTON HEALTH CARE DISCOUNT PLAN ORGANIZATION ACT

Prime Sponsor: Senator Delvin

(HB 2012 Representative Bailey)

**Signed by the Governor*

- Health care discount plan organizations are licensed and regulated by the Office of the Insurance Commissioner. Discount plans may not be described as insurance nor use terms commonly associated with insurance, such as "health plan," "coverage," "copay," etc.
- The Office of Insurance Commissioner may suspend or revoke a discount plan's license or issue a cease and desist order if there is a violation of law. A person that collects fees for a discount plan membership but willfully fails to provide the promised benefits commits a theft and is subject to the Washington Criminal Code.
- Discount plans currently in operation have six months following the effective date of this act to submit a substantially complete application for a license and come into compliance with this chapter.

2SSB 5484: CONCERNING DEVELOPMENTAL SCREENING

Prime Sponsor: Senator Marr

**2SSB 5484 is incorporated in its entirety into ESHB 2128.*

SSB 5501: CONCERNING THE SECURE EXCHANGE OF HEALTH INFORMATION

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- The Health Care Authority must designate an organization to develop standards to improve access to and exchange of health care information by August 1, 2009.
- The designated organization must develop guidelines and identify high-value health data, processes, and explanatory information consistent with the Health Insurance Portability and Accountability Act by December 1, 2011.

SB 5547: CONCERNING RESPITE CARE

Prime Sponsor: Senator Hargrove

**Signed by the Governor*

- Respite care services under the Individual and Family Service Program are available to any family member who resides with and is the primary care provider to a person with developmental disabilities.
- The Department of Social and Health Services must assess family care providers in order to provide respite care services.

ESSB 5601: REGULATING SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

Prime Sponsor: Senator Franklin

**Signed by the Governor*

- Creates the designation of certified speech-language pathology assistant.
- Establishes minimum qualifications for certification.
- Describes responsibilities of the Department of Health, Board of Hearing and Speech, and the Office of the Superintendent.

SSB 5608: CONCERNING GENETIC COUNSELORS

Prime Sponsor: Senator Franklin

(HB 1723 Representative Green)

**Signed by the Governor/partial veto*

- Authorizes the Department of Health to establish licensing requirements for genetic counselors.
- ~~Establishes an advisory committee on genetic counseling to make recommendations to the department regarding rules, practice, complaints, and competency requirements.~~ (PV)

SB 5629: CONCERNING PREGNANCY PREVENTION PROGRAMS

Prime Sponsor: Senator Kohl-Welles

(HB 1612 Representative Cody)

**Signed by the Governor*

- The state is not required to maximize federal funding for abstinence programs and to contract with entities qualified to provide this education.
- State agencies may apply for sexual health education funding for programs that are medically and scientifically accurate and that have been proven effective in teaching the goals of the state's Healthy Youth Act.

SB 5673: CONCERNING CERTIFICATES OF NEED

Prime Sponsor: Senator Pridemore

(HB 1777 Representative Cody)

**Signed by the Governor*

- A Health Maintenance Organization (HMO) is exempt from the requirement to obtain a certificate of need prior to construction, development, establishment, sale, purchase, or lease of a hospital if the HMO operates a group practice which has been continuously licensed as an HMO since January 1, 2009.

SSB 5725: CONCERNING HEALTH BENEFIT PLAN COVERAGE FOR ORGAN TRANSPLANTS

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Health benefit plans issued or renewed on or after January 1, 2010, must not allow a separate lifetime benefit limit on organ transplants of any less than \$350,000. The transplant limits apply one day prior to the date of the transplant or the date of hospitalization through 100 days following the transplant.
- Donor-related services may apply to the transplant limit at any time. The major medical lifetime benefit limits apply to coverage before and after the transplant period.

SB 5730: ENHANCING FEDERAL FINANCING OF HEALTH COVERAGE

Prime Sponsor: Senator Keiser

**SB 5730 is incorporated in part into 2SSB 5945.*

SB 5731: DISTRIBUTING HEALTH PLAN INFORMATION

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Insurance carriers are permitted flexibility to implement alternative methods of communicating with enrollees. Alternatives may include website alerts, postcard mailings, and electronic communication in lieu of printed materials.

SSB 5752: REGARDING COST RECOVERY IN DISCIPLINARY PROCEEDINGS INVOLVING DENTISTS

Prime Sponsor: Senator Marr

**Signed by the Governor*

- Permits the Dental Quality Assurance Commission to assess partial recovery hearing fees in disciplinary proceedings when a dentist is sanctioned.
- Hearing fees can be waived if imposing a fee would cause an undue hardship.
- Additional fees can be imposed if a disciplinary case is appealed to the Superior Court, Court of Appeals, or Supreme Court level.
- If a disciplinary action is resolved informally, fees are limited to \$2,000.

SSB 5777: CONCERNING THE WASHINGTON STATE INSURANCE POOL

Prime Sponsor: Senator Murray

(HB 1713 Representative Cody)

**Signed by the Governor*

- The Board of the Washington State Health Insurance Pool (WSHIP) must recertify the standard health questionnaire every 36 months rather than every 18 months.
- Eligibility for the pool is modified for Medicare eligible people after August 1, 2009, to allow a Medicare eligible person access to the pool if they do not have access to at least three Medicare Part C plans offered by health maintenance organizations or preferred provider organizations that have had established provider networks in the county for at least five years.
- The eligibility change for Medicaid enrollees passed in 2008, in a statute that will become null and void with the new biennial budget, is inserted and Medicaid enrollees are not eligible for WSHIP.
- The WSHIP Board must complete a study of options for stable, broad-based funding sources and report to the Legislature by December 15, 2009.

SSB 5891: ESTABLISHING A FORUM FOR TESTING PRIMARY CARE MEDICAL HOME REIMBURSEMENT PILOT PROJECTS

Prime Sponsor: Senator Keiser

(2SHB 2114 Representative Seaquist)

**Signed by the Governor*

- The Health Care Authority (HCA) and the Department of Social and Health Services (DSHS) must design, oversee implementation, and evaluate one or more primary care medical home reimbursement pilot projects. The agencies must facilitate discussions with private payors and providers to collaborate and identify reimbursement methods that align incentives to support primary care medical homes. The discussions are exempt from antitrust laws through the state action doctrine.
- HCA and the DSHS may select an additional pilot site with a direct patient-provider primary care practice.
- The act expires July 1, 2013.

SSB 5913: CONCERNING ONLINE ACCESS TO THE UNIVERSITY OF WASHINGTON HEALTH SCIENCES LIBRARY BY CERTAIN HEALTH CARE PROVIDERS

Prime Sponsor: Senator Pflug

**Signed by the Governor/partial veto*

- ~~Any health professional that has more than one license will only be charged once for use of the University of Washington Health Sciences Library.~~ (PV)
- The University of Washington must provide an accounting of the use of the funds paid under the online library access program, including categories and health professionals using the materials.
- ~~DOH must convene a user advisory group to review the online access program.~~ (PV)

2SSB 5945: CREATING THE WASHINGTON HEALTH PARTNERSHIP PLAN

Prime Sponsor: Senator Keiser

**Signed by the Governor/partial veto*

- ~~The Governor must convene quarterly meetings of the Washington Health Partnership Advisory Group to review and monitor health reform efforts at the state and federal level, beginning October 1, 2009.~~ (PV)
**SSB 5730 is incorporated in part into 2SSB 5945.*
- The Department of Social and Health Services (DSHS) must submit a waiver to expand medical assistance for low-income parents and individuals, with incremental expansion up to 200 percent of the federal poverty level, and creation of an Apple Health Program for adults.
- DSHS must submit a request to the federal government to revise the family planning waiver and return to the eligibility standards in place in 2005, and expand eligibility to 250 percent of the federal poverty level within available funds.

SSB 6009: CONCERNING LONG-TERM CARE FACILITIES

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Long-term care facilities must fully disclose to residents before they are admitted details of the facility's policy on accepting Medicaid as a payment source.
- Notification must be done orally, in writing, and in the language the potential resident or that person's representative understands.

SSB 6019: CONCERNING EMPLOYEE WELLNESS PROGRAMS

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Health insurance carriers may allow a wellness discount of up to 20 percent for small employers that develop and implement a wellness program. Employers must document program activities and may request a reduction in premiums based on three years of experience.

- Health insurance carriers may review the employer's claim history to determine whether the wellness program has improved employee health. Carriers may consider such areas as improved productivity or a reduction in absenteeism due to illness if documentation is submitted by the employer.

**SJM 8003: REQUESTING THAT CONGRESS ISSUE A DATE AT WHICH
HEALTH INFORMATION TECHNOLOGY MUST COMPLY WITH A
UNIFORM NATIONAL STANDARD OF INTEROPERABILITY**

Prime Sponsor: Senator Pflug

- The Senate Joint Memorial asks Congress to institute a date, no later than January 2013, at which time all vendors, supplies, and manufacturers of health information technology must comply with a uniform national standard of interoperability.

**SJM 8013: CALLING ON CONGRESS TO ENACT LEGISLATION TO
ELIMINATE THE 24 MONTH MEDICARE WAITING PERIOD FOR
PARTICIPANTS IN SOCIAL SECURITY DISABILITY INSURANCE**

Prime Sponsor: Senator Keiser

- The Senate Joint Memorial requests the President and members of congress eliminate the 24-month waiting period for Medicare enrollment for those individuals with an approved social security disability.

**2SHB 1021: CONCERNING THE DEPARTMENT OF HEALTH'S AUTHORITY IN
HOSPITALS**

Prime Sponsor: Representative Campbell

**Signed by the Governor*

- The Department of Health (DOH) must conduct hospital inspections on an unannounced basis.
- Hospitals have at least two weeks to provide information or documentation not available at the time of the inspection.
- DOH must meet with the chief administrator or executive officer of the hospital following the inspection unless the chief administrator/executive officer of the hospital declines such a meeting.
- Provisions enacted in ESB 5423 that phase in swing beds that are exempt from the certificate of need process are altered. The date before which the first half of the beds may be designated is changed from July 1, 2009, to July 1, 2010.

**SHB 1041: AUTHORIZING THE PURCHASE, STORAGE, AND
ADMINISTRATION OF MEDICATIONS BY OCCUPATIONAL
THERAPISTS**

Prime Sponsor: Representative Morrell

(SB 5100 Senator Shin)

**Signed by the Governor*

- Occupational therapists are authorized to purchase, store, and administer topical and transdermal medications prescribed by health care providers.

SHB 1071: CONCERNING ADVANCED REGISTERED NURSE PRACTITIONERS

Prime Sponsor: Representative Green

**Signed by the Governor*

- Psychiatric advanced registered nurse practitioners are specifically added to the list of mental health professionals who can recommend and provide certain mental health treatment related services.

ESHB 1123: REDUCING THE SPREAD OF MULTIDRUG RESISTANT ORGANISMS

Prime Sponsor: Representative Campbell

**Signed by the Governor*

- Requires all Washington hospitals to adopt a policy on methicillin-resistant staphylococcus aureus (MRSA) by January 1, 2010.
- Policy must provide that the hospital: (1) test risk-identified patients; (2) test all intensive care unit patients within 24 hours; (3) have procedures in place to prevent transmission; and (4) provide aftercare instructions to patients with MRSA.

HB 1155: CONCERNING BILLING FOR MEDICAL SERVICES PROVIDED THROUGH SPECIAL EDUCATION PROGRAMS

Prime Sponsor: Representative Hinkle

(SB 5201 Senator Franklin)

**Signed by the Governor*

- The bill repeals the former program structure that created a centralized Medicaid billing with the Office of the Superintendent of Public Instruction for medical services provided through special education programs, to be consistent with federal requirements and the revised Medicaid State Plan Amendment.
- Medicaid billing for medical services provided through special education programs is directly coordinated with school districts.

HB 1270: PERMITTING ELECTRONIC SIGNATURES ON APPLICATIONS FOR PUBLIC ASSISTANCE AND FOR BENEFITS ADMINISTERED BY THE HEALTH CARE AUTHORITY

Prime Sponsor: Representative Green

(SB 5197 Senator Marr)

**Signed by the Governor*

- Statutory authority is provided to the Department of Social and Health Services medical assistance programs and the Health Care Authority to accept electronic applications and electronic signatures on applications.

SHB 1303: COLLECTING CHILD MORTALITY REVIEWS INTO A DATABASE

Prime Sponsor: Representative Moeller

**Signed by the Governor*

- The Department of Health (DOH) must help local health departments collect information concerning child mortality reviews and submit data into a statewide database. Further technical assistance from DOH is required.

SHB 1308: REDUCING ORGAN TRANSPLANT BENEFIT WAITING PERIODS BASED UPON PRIOR CREDITABLE COVERAGE

Prime Sponsor: Representative Driscoll

(SB 5236 Senator Marr)

**Signed by the Governor*

- All insurance plans issued or renewed on or after January 1, 2010, must reduce any organ transplant benefit waiting period by the amount of time a person had prior creditable coverage.
- If a person has less than a 90-day break in coverage, the amount of time that person spent waiting for a transplant under the former health plan must carry over to the new health plan.

SHB 1309: REGARDING DENTAL HYGIENE

Prime Sponsor: Representative Green

(SB 5455 Senator Keiser)

**Signed by the Governor*

- Permits a dental hygienist to continue to practice without dentist supervision in a health care facility or senior center, or a community based sealant program.
- The Department of Health must provide an additional report to the Legislature by December 1, 2013.

SHB 1397: CONCERNING THE DELEGATION OF AUTHORITY TO REGISTERED NURSES

Prime Sponsor: Representative Moeller

**Signed by the Governor*

- Licensed optometrists are added to the list of health care professionals who may provide direction to nurses.

ESHB 1401: CONCERNING THE STANDARD HEALTH QUESTIONNAIRE

Prime Sponsor: Representative Cody,

(SSB 5406 Senator Keiser)

**Signed by the Governor*

- Individuals who are eligible for COBRA or who drop COBRA are not required to complete the standard health questionnaire when they apply for individual health insurance coverage if they apply within 90 days of their qualifying event.
- Individuals who do not qualify for COBRA because their employer has fewer than 20 employees do not have to complete the standard health questionnaire when they apply for individual health insurance coverage if they apply within 90 days of their qualifying event.

SHB 1414: CONCERNING HEALTH CARE ASSISTANTS

Prime Sponsor: Representative Driscoll

**Signed by the Governor*

- Health care assistants are granted limited authority to administer certain drugs with a written order from a supervising health care practitioner.
- The Department of Health will conduct a review of the regulation and scope of practice of medical assistants.

SHB 1510: REGARDING DISCLOSURE OF CONFIDENTIAL INFORMATION ON BIRTH CERTIFICATES

Prime Sponsor: Representative Ross

**Signed by the Governor*

- An individual may review, with or without a court order, the confidential section of the individual's own birth certificate. The person's request is subject to the confirmation of proper identity and may not include information about a parent.

HB 1515: ALLOWING ELECTRONIC APPROVAL OF VITAL RECORDS

Prime Sponsor: Representative Driscoll

(SB 5370 Senator Franklin)

**Signed by the Governor*

- Medical certifiers authorized to approve death certificates are permitted to do so electronically.

SHB 1529: CONCERNING TELEMEDICINE

Prime Sponsor: Representative Seaquist

(SSB 5497 Senator Marr)

**Signed by the Governor*

- The Department of Social and Health Services is directed to develop reimbursement rates for certain telemedicine services provided through licensed home health agencies.

HB 1596: PROTECTING A WOMAN'S RIGHT TO BREASTFEED IN A PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE, OR AMUSEMENT

Prime Sponsor: Representative Green

**Signed by the Governor*

- Washington's law against discrimination includes the right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement. Discrimination against a woman based on her status as a mother breastfeeding her child is an unfair practice under the state's law against discrimination.

**SHB 1740: REGARDING THE ISSUANCE OF LICENSES TO PRACTICE
DENTISTRY**

Prime Sponsor: Representative Cody

(SB 5751 Senator Murray)

**Signed by the Governor*

- Allows the Dental Quality Assurance Commission to grant a limited license to participate in an American Dental Association accredited program to postdoctoral students in dental education and postdoctoral residents in residency programs.

**SHB 1765: CONCERNING THE LICENSE SURCHARGE FOR THE IMPAIRED
PHYSICIAN PROGRAM**

Prime Sponsor: Representative Moeller

(SB 5851 Senator Keiser)

**Signed by the Governor*

- A surcharge on physician and physician assistant annual fees is increased to \$50 for the impaired physician program.

**HB 1835: CONCERNING THE USE OF RESPECTFUL LANGUAGE IN STATE
STATUTES**

Prime Sponsor: Representative Angel

**Signed by the Governor*

- The Code Reviser is directed to replace the term "individuals with retardation" to "individuals with intellectual disabilities" wherever it is used in state statute, memorials, and resolutions.
- The Code Reviser must come back to the Legislature by December 1, 2009, with a bill that eliminates the terms "individuals with retardation" wherever it is appropriate and does not have unintended consequences.

**SHB 1869: CONCERNING THE TRANSPARENCY OF HEALTH CARE COST
INFORMATION**

Prime Sponsor: Representative Bailey

**Signed by the Governor*

- Health care providers and facilities must provide an estimate of fees and charges related to a specific service or visit when a patient requests information.
- Providers and facilities must post a sign in patient registration areas indicating that information about the estimated charges is available upon request.

**2SHB 1899: CONCERNING PHYSICIANS HOLDING A RETIRED ACTIVE
LICENSE**

Prime Sponsor: Representative Warnick

**Signed by the Governor*

- Washington retired active physicians are exempt from fees associated with their license.
- Continuing education hours cannot exceed 50 hours per year for retired active physicians.

**ESHB 1926: EXEMPTING CERTAIN HOSPICE AGENCIES FROM CERTIFICATE
OF NEED REQUIREMENTS**

Prime Sponsor: Representative Cody

**Signed by the Governor*

- A certificate of need (CON) is not required for a hospice agency if the service is designed to provide for the unique needs of a religious group or ethnic community.
- The agency must have been in operation for at least ten years providing long-term care services. The CON exemption is provided for specialized hospice agencies who serve only up to 40 patients.

E2SHB 1935: CONCERNING ADULT FAMILY HOMES

Prime Sponsor: Representative Morrell

(SB 5932 Senator Fairley)

**Signed by the Governor*

- Requires the Department of Social and Health Services to establish a specialty license recognizing adult family home operators who successfully complete the program at the University of Washington School of Nursing.
- Requires restrictive home owner association covenants to acknowledge legislative intent supporting the establishment of adult family homes for the elderly and disabled.
- Prohibits restrictive covenants and governing documents of homeowners' associations from limiting persons or legal entities from operating licensed adult family homes.
- Establishes a \$100 license renewal fee in statute, and an \$800 processing fee applied to renewal fees over subsequent years.

HB 2014: REQUIRING TAMPER-RESISTANT PRESCRIPTION PADS

Prime Sponsor: Representative Kelley

(SSB 5826 Senator Keiser)

**Signed by the Governor*

- All pharmaceutical prescriptions written after July 2010 must be done using tamper-proof pads.
- The Board of Pharmacy will approve tamper-proof products.

HB 2025: SHARING HEALTH CARE INFORMATION

Prime Sponsor: Representative Orwall

**Signed by the Governor*

- Permits licensed mental health professionals, physicians, osteopathic physicians, physician assistants, nurses, and naturopaths to have access to a patient's health care information without the patient's consent.
- Permits release of such information to administrative and office support staff designated by these licensed professionals.

SHB 2079: CONCERNING THE OFFICE OF FINANCIAL MANAGEMENT'S ACCESS TO HEALTH PROFESSIONAL LICENSING INFORMATION

Prime Sponsor: Representative Cody

**Signed by the Governor*

- The Office of Financial Management state health planning project must have access to the health professional licensing information and the health facility licensing information at the Department of Health (DOH). The information will be used to complete a health system assessment and develop a statewide health resources strategy.
- DOH must provide access to the data, replacing any social security numbers with an alternative identifier capable of linking all licensing records of an individual.

ESHB 2105: CONCERNING DIAGNOSTIC IMAGING SERVICES

Prime Sponsor: Representative Cody

(SB 5981 Senator Keiser)

**Signed by the Governor*

- The state's Health Care Authority will convene a work group to develop best practice guidelines for using advanced diagnostic imaging.
- The work group will explore the feasibility of mandating protocols for all payers by January 1, 2011.

ESHB 2128: CONCERNING HEALTH CARE COVERAGE FOR CHILDREN

Prime Sponsor: Representative Seaquist

**Signed by the Governor/partial veto*

- The Department of Social and Health Services (DSHS) must modify the Apple Health for Kids Program outreach, application, and renewal procedures, and seek additional federal funding that may be available via the federal Children's Health Insurance Program Reauthorization Act of 2009.

- ~~DSHS must identify a staff position within existing resources to serve as the single point of contact and coordination of the Apple Health for Kids Program to coordinate the additional data collection and reporting on outcomes and performance. (PV)~~
- The nonsubsidized program for children with family income above 300 percent of the federal poverty level is delayed to January 1, 2010, and the program is modified to allow a benefit design substantially similar to the Apple Health for Kids Program while allowing cost-sharing, pre-existing conditions, waiting periods and other design changes for an affordable benefit package.
*2SSB 5484 is incorporated in its entirety into ESHB 2128, as described below:
- Performance indicators will include the use of developmental assessment tools that are consistent with nationally accepted pediatric guidelines once funding is specifically appropriated for the tools.

SHB 2160: CONCERNING HEALTH CARRIER PAYMENT OF WELLNESS INCENTIVES

Prime Sponsor: Representative Driscoll

(SB 5998 Senator Keiser)

**Signed by the Governor*

- Insurance carriers are permitted to offer a wellness program that complies with the requirements of the federal Health Insurance Portability and Accountability Act as an exception to the state insurance rebate law.
- Wellness benefits may be modified with the contract renewal date and not be considered a cancellation of the contract.

HIGHER EDUCATION & WORKFORCE DEVELOPMENT

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SSB 5001: ELIMINATING THE MATCHING FUND REQUIREMENT FOR THE AMERICAN INDIAN ENDOWED SCHOLARSHIP PROGRAM

Prime Sponsor: Senator Jacobsen

**Signed by the Governor*

- The state may deposit money into the American Indian scholarship endowment fund without an equal match of private cash donations.
- The scholarship trust fund is eliminated. The elimination of the match requirement means the state can appropriate money directly into the endowment fund without moving the money through the scholarship trust fund.

SSB 5043: CONVENING A WORK GROUP TO DEVELOP A SINGLE, COORDINATED STUDENT ACCESS PORTAL FOR COLLEGE INFORMATION

Prime Sponsor: Senator Kilmer

(HB 1130 Representative Kenney)

**Signed by the Governor*

- The Higher Education Coordinating Board is required to convene a work group to develop a plan to create a one-stop, web-based portal for students and families.
- The purpose of the portal is to provide comprehensive information and applications regarding college financial, academic, and career planning.

SSB 5044: CHANGING WORK-STUDY PROVISIONS

Prime Sponsor: Senator Kilmer

**Signed by the Governor*

- The proportion of state work study subsidy expended on nonresident students is limited to 15 percent or a lesser amount if specified in the Biennial Appropriations Act.
- The Higher Education Coordinating Board must establish rules encouraging job placements in high demand fields.

SSB 5172: ESTABLISHING A CENTER FOR HUMAN RIGHTS

Prime Sponsor: Senator Shin

**Signed by the Governor*

- The University of Washington Center for Human Rights is created.
- The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation.
- State funds may not be used to support the Center for Human Rights.

SB 5173: AUTHORIZING THE REGIONAL UNIVERSITIES TO CONFER HONORARY DOCTORATE DEGREES

Prime Sponsor: Senator Shin

**Signed by the Governor*

- Western Washington University, Central Washington University, and Eastern Washington University are authorized to confer honorary doctoral degrees upon persons in recognition of the person's learning or devotion to education, literature, art, or science.

SSB 5177: CREATING A GLOBAL ASIA INSTITUTE WITHIN THE HENRY M. JACKSON SCHOOL OF INTERNATIONAL STUDIES

Prime Sponsor: Senator Shin

**Signed by the Governor*

- A Global Asia Institute is created within the Henry M. Jackson School of International Studies.
- The institute must host visiting scholars and policy makers, engage in collaborative research projects, and facilitate broader understanding and cooperation between the State of Washington and Asia.

SSB 5276: INCREASING THE AVAILABILITY OF ENGINEERING PROGRAMS IN PUBLIC UNIVERSITIES

Prime Sponsor: Senator Schoesler

(HB 1312 Representative Sells)

**Signed by the Governor*

- Civil engineering, mechanical engineering, and chemical engineering are no longer exclusive major lines at the Washington State University and the University of Washington (UW).
- Aeronautic and astronautic engineering are no longer exclusive major lines at UW.
- Undergraduate or graduate degrees in these lines of study may be offered at any institution of higher education in Washington.

SB 5720: INCLUDING STEPCHILDREN IN TUITION WAIVERS FOR CHILDREN OF VETERANS AND NATIONAL GUARD MEMBERS

Prime Sponsor: Senator Hewitt

**Signed by the Governor*

- A biological child, adopted child, or stepchild of an eligible veteran or National Guard member who died, became permanently and totally disabled as a result of active service, or who is missing in action or a prisoner of war may be eligible for a mandatory tuition and fee waiver at Washington institutions of higher education.

SSB 5734: REGARDING TUITION AT INSTITUTIONS

Prime Sponsor: Senator Kilmer

(HB 1235 Representative Wallace)

**Signed by the Governor/partial veto*

- Tuition reductions or increases for resident undergraduate students are provided in the Omnibus Operating Budget through academic year 2012-13.
- The institutions of higher education set tuition for all other classifications of students through academic year 2012-13.
- Any tuition increase above 7 percent must be used to fund the cost of instruction, library and student services, utilities and maintenance of buildings, and other costs related to instruction as well as institutional financial aid.
- Through 2010-11, budgetary reductions to instruction related costs must be proportionally less than reductions associated with other program areas.
- ~~Within existing resources, the Joint Legislative Audit and Review Committee completes a systemic performance audit of the state universities, regional universities, and The Evergreen State College. (PV)~~

SSB 5776: REGARDING STUDENT FEES, CHARGES, AND ASSESSMENTS

Prime Sponsor: Senator McDermott

(HB 1466 Representative Williams)

**Signed by the Governor*

- Voluntary student fees for each academic year may be created or increased by a majority vote of the student government or its equivalent, or by a referendum presented to the student body.
- The use of those fees is not subject to the statute governing the use of public funds for lobbying.

ESB 5925: REGARDING INSURANCE FOR HIGHER EDUCATION STUDENTS PARTICIPATING IN STUDY OR RESEARCH ABROAD

Prime Sponsor: Senator Shin

(HB 2001 Representative Kenney)

**Signed by the Governor*

- As a condition of participation in study or research abroad programs that are sponsored, arranged, or approved by an institution of higher education, students may be required to purchase approved insurance that will provide coverage for expenses incurred as a result of injury, illness, or death, if the student does not already have adequate insurance.
- Participating students may also be required to have insurance coverage that includes emergency evacuation or repatriation of remains.
- The institution may bear all or part of the costs of the insurance.

SSCR 8404: PROVIDING FOR THE 2008-2018 STATE COMPREHENSIVE PLAN FOR WORKFORCE TRAINING

Prime Sponsor: Senator Kilmer

(HCR 4403 Representative Wallace)

- The Senate and the House of Representatives approve the state comprehensive plan for workforce training.
- The Legislature recommends that the next state comprehensive workforce plan include jobs that build a green economy and the renewable energy industry.

2SHB 1025: REQUIRING DISCLOSURE OF CERTAIN INFORMATION RELATING TO HIGHER EDUCATION COURSE MATERIALS

Prime Sponsor: Representative Armstrong

(SSB 5778 Senator Oemig)

**Signed by the Governor*

- Affiliated bookstores must disclose information on required course materials at least four weeks prior to the start of the class.
- Course material information includes the title, author(s), edition, price, and ISBN (International Standard Book Number).
- This requirement is waived for faculty hired four weeks or less before the start of class and may also be waived on a case-by-case basis.
- Faculty must consider open textbooks and collections of digital materials when considering the least costly options for course materials.

SHB 1323: PROVIDING FOR COORDINATION OF WORKFORCE AND ECONOMIC DEVELOPMENT

Prime Sponsor: Representative Kenney

(SSB 5048 Senator Kilmer)

**Signed by the Governor*

- A common definition of industry cluster is adopted. State agencies and local organizations with missions related to workforce and economic development must coordinate their efforts to assist industry clusters.
- The Workforce Training and Education Coordinating Board (WTECB) works with the Department of Community, Trade and Economic Development (CTED) and the Economic Development Commission (EDC) to ensure coordination among workforce training priorities, the state's long-term economic development strategy, assistance to industry clusters, and entrepreneurial development.
- The State Board for Community and Technical Colleges (SBCTC) designates and funds centers of excellence on a competitive basis. Priority is given to applicants with established programs serving a targeted industry cluster within its own region.
- Workforce development council plans must articulate the connection between local workforce and economic development efforts.
- By December 15, 2010, the WTECB, CTED, EDC, Employment Security Department, and SBCTC jointly submit a progress report.

SHB 1328: ALLOWING PUBLIC TECHNICAL COLLEGES TO OFFER DEGREES THAT PREPARE STUDENTS TO TRANSFER TO CERTAIN BACHELOR DEGREE PROGRAMS

Prime Sponsor: Representative Carlyle

(SSB 5007 Senator McAuliffe)

**Signed by the Governor*

- In addition to offering technical degrees, technical colleges are allowed to offer transfer degrees that prepare students for professional bachelor's degrees.
- Professional degrees, in this context, are those that prepare students for a specific field or occupation, including engineering, engineering technology, pre-nursing, business, construction management, and teacher preparation for secondary education in science, technology, and math areas.

2SHB 1355: ESTABLISHING THE OPPORTUNITY INTERNSHIP PROGRAM FOR HIGH SCHOOL STUDENTS

Prime Sponsor: Representative Probst

(SB 5773 Senator Hobbs)

**Signed by the Governor*

- The Opportunity Internship Program (OIP) is created and is administered by the Workforce Training and Education Coordinating Board.
- OIP consortia may select no more than 100 low-income students per year to participate.
- OIP graduates who enroll in a postsecondary program of study within one year of high school graduation are eligible to receive a State Need Grant for up to one year, regardless of family income.
- Program graduates must be enrolled in an approved institution, apprenticeship, or pre-apprenticeship program.
- Subject to available funds, a consortium receives a \$2,000 payment for each OIP graduate who completes the program and obtains employment in a high demand occupation for at least six months.

HB 1394: CHANGING THE TIMELINE FOR THE STATE COMPREHENSIVE PLAN FOR WORKFORCE TRAINING AND EDUCATION

Prime Sponsor: Representative White

(SB 5316 Senator Jarrett)

**Signed by the Governor*

- The Workforce Training and Education Coordinating Board develops state comprehensive plans for ten-year time periods and updates them every four years.
- The first update is due on December 1, 2012.

HB 1395: CLARIFYING TERMS FOR WORKFORCE AND ECONOMIC DEVELOPMENT

Prime Sponsor: Representative Wallace

(SB 5317 Senator Shin)

**Signed by the Governor*

- "High demand field" is replaced with "high demand occupation" in the WorkFirst Program and the Unemployment Compensation Training Benefits Program.
- "High demand programs" is replaced with "high employer demand programs of study" for purposes of the pilot program to improve services to customers of vocational rehabilitation and the identification of job training programs by the State Board for Community and Technical Colleges.

HB 1474: CHANGING BORDER COUNTY OPPORTUNITY PROGRAM PROVISIONS

Prime Sponsor: Representative Orcutt

**Signed by the Governor*

- Columbia Basin Community College, Clark College, Lower Columbia Community College, Gray's Harbor Community College, and Walla Walla Community College may charge resident tuition rates to students who moved to Washington from one of 13 Oregon border counties within the last 12 months and had lived in the border county for 90 days immediately prior to moving to Washington.

- The Tri-Cities and Vancouver branch campuses of Washington State University may charge resident tuition rates, for eight semester credits or less, to students who moved to Washington from one of nine Oregon border counties provided that the student moved to Washington within the last 12 months and lived in the border county for 90 days immediately prior to moving to Washington.

HB 1487: REGARDING RESIDENT STUDENT CLASSIFICATION

Prime Sponsor: Representative Hunter

(SB 5405 Senator Oemig)

**Signed by the Governor*

- An individual qualifies as a "resident student" and pays resident student tuition and fees if the person has lived in Washington for at least one year and holds an H-1B, E-3, or L visa.
- The spouse or child of a person holding an H-1B, E-3, or L visa also qualifies as a resident student if the person holds lawful nonimmigrant status.

HB 1640: MODIFYING DISCLOSURE REQUIREMENTS FOR PRIVATE INVESTMENT INFORMATION RECEIVED BY THE UNIVERSITY OF WASHINGTON CONSOLIDATED ENDOWMENT FUND

Prime Sponsor: Representative Kessler

(SB 5526 Senator Fairley)

**Signed by the Governor*

- For investments in privately-managed funds, financial and commercial information submitted to or obtained by the University of Washington (UW) is exempt from disclosure under the Public Records Act if disclosure would reasonably be expected to result in loss to the UW Consolidated Endowment Fund or loss to the providers of the information.
- The UW must disclose the names and amounts of the private funds in which it is invested and the aggregate quarterly performance results of its investment portfolio in these funds.
- The UW must have formal policies addressing conflicts of interest in regard to the private funds in which the endowment is invested and must post them on their public website.

SHB 1808: CREATING AN INTERDISCIPLINARY WORK GROUP FOR PARAMEDIC AND NURSING TRAINING

Prime Sponsor: Representative Hinkle

**Signed by the Governor*

- The State Board for Community and Technical Colleges (SBCTC) identifies a community or technical college that offers both a paramedic training program and a nursing program.
- Faculty from both programs, a four-year nursing program, the Washington Center for Nursing, and the Washington State Nursing Association form an interdisciplinary work group to identify course equivalencies and skill competencies between the two programs.
- The work group reports its findings to the SBCTC by July 1, 2010.

2SHB 1946: REGARDING HIGHER EDUCATION ONLINE TECHNOLOGY

Prime Sponsor: Representative Carlyle

**Signed by the Governor*

- All institutions of higher education are encouraged to use common online learning technologies, including those currently managed by the State Board for Community and Technical Colleges (SBCTC).
- For those institutions that opt in, the SBCTC will adjust current licenses to accommodate the additional schools and convene a work group to determine a shared fee structure.
- The Higher Education Coordinating Board will convene a work group to improve the effectiveness, efficiency, and quality of education relative to the use of technology.
- The work group will submit a preliminary report to the Legislature by December 1, 2009, and a final report by December 1, 2010.

EHB 1986: AUTHORIZING A PEER MENTORING PILOT PROGRAM AT WESTERN WASHINGTON UNIVERSITY AND A COMMUNITY OR TECHNICAL COLLEGE

Prime Sponsor: Representative Hasegawa

**Signed by the Governor*

- Western Washington University establishes a mentoring pilot project in partnership with a community or technical college identified by the State Board for Community and Technical Colleges.
- Pilot project institutions (1) recruit college students to serve as mentors in identified schools; (2) develop a curriculum to train mentors; (3) solicit grants, awards, and gifts; (4) develop outcome measures; and (5) provide community outreach and publicity.

E2SHB 2021: REVITALIZING STUDENT FINANCIAL AID

Prime Sponsor: Representative Kenney

(SB 6044 Senator Kilmer)

**Signed by the Governor/partial veto*

- The Educational Opportunity Grant program is phased out over a period of two years.
- The state subsidy per student and all types of financial aid in the financial aid package administered by institutions of higher education and the Higher Education Coordinating Board (HECB) are listed under the umbrella term of "Opportunity Pathway."
- ~~For nonresident students, state work study eligibility is capped at 15 percent, to the extent practicable. (PV)~~
- The HECB awards competitive grants to institutions of higher education that develop partnerships with local firms offering job placements in high demand fields for at least one academic term.
- Colleges and universities are permitted to use their institutional aid funds for students in dual credit programs.
- The Washington Higher Education Loan Program is created and administered by the HECB.

ESHB 2344: REGARDING RESIDENT UNDERGRADUATE TUITION

Prime Sponsor: Representative Haigh

**Signed by the Governor*

- During academic years 2009-10 and 2010-11, the state may increase resident undergraduate tuition above the previous 7 percent cap in the Omnibus Appropriations Act.
- Institutions of higher education are required to notify students of tax credits available through the American Opportunity Tax.
- The Higher Education Coordinating Board convenes a group of stakeholders to examine tuition policy including an examination of high tuition, high aid model, differential tuition based on income, and other potential state tuition policies.
- The Joint Legislative Audit and Review Committee conducts a systemic performance audit of the public baccalaureate institutions.

HUMAN SERVICES & CORRECTIONS

786-7414

SB 5015: CONCERNING FOSTER PARENT LICENSING

Prime Sponsor: Senator Franklin

(HB 1101 Representative Roberts)

**Signed by the Governor*

- Permits continuation of a foster family home license when the foster family relocates to a new home and provides the Department of Social and Health Services with advance notice.

SSB 5130: REGARDING PRISONER ACCESS TO PUBLIC RECORDS

Prime Sponsor: Senator Carrell

(HB 1181 Representative Ross)

**Signed by the Governor*

- Upon motion by an agency or person to whom a public record request pertains, the court may prohibit a person serving a criminal sentence from requesting and receiving public records if the public records request was made to harass or intimidate the agency or its employees or disclosure of the record threatens the security of a correctional facility.
- The court may prohibit a particular request as well as future requests by the same requestor.

SSB 5131: CONCERNING CRISIS REFERRAL SERVICES FOR CRIMINAL JUSTICE AND CORRECTIONAL PERSONNEL

Prime Sponsor: Senator Delvin

(HB 1194 Representative O'Brien)

**Signed by the Governor*

- The Criminal Justice Training Commission must offer training to public safety personnel on personal crisis recognition and crisis intervention services.
- The training must include techniques for recognizing underlying causes of personal crises, such as mental health issues, chemical dependency, domestic violence, and financial problems.
- All communications between public safety employees and crisis referral services must be confidential.

SSB 5166: MODIFYING LICENSE SUSPENSION PROVISIONS FOR THE FAILURE TO PAY CHILD SUPPORT

Prime Sponsor: Senator Regala

(SHB 1771 Representative Pettigrew)

**Signed by the Governor*

- A responsible parent who has received notice that the parent's license is going to be suspended for the failure to pay child support may request a hearing if the parent believes he or she has made a good faith effort to comply with the support order.
- If an Administrative Law Judge (ALJ) finds that a parent has made a good faith effort to comply with a support order, the ALJ may order a reasonable payment schedule instead of suspending the parent's license.
- The Department of Social and Health Services is given more flexibility in formulating a payment schedule for the parent that takes into account the parent's ability to pay.

SSB 5190: MAKING TECHNICAL CORRECTIONS TO COMMUNITY CUSTODY PROVISIONS

Prime Sponsor: Senator Hargrove

(SHB 1263 Representative Goodman)

**Signed by the Governor*

- Statutory references in the Sentencing Reform Act (SRA) are corrected to complete the reorganization of provisions started in HB 2719 in the 2008 Legislative Session.
- Provisions in HB 2712 (2008) regarding criminal street gangs are integrated, consistent with the changes to the SRA.
- The respective roles of the Department of Corrections and the Indeterminate Sentence Review Board are clarified with regard to determinate plus offenders.

SSB 5252: ADDRESSING CORRECTIONAL FACILITY POLICIES REGARDING MEDICATION MANAGEMENT

Prime Sponsor: Senator Brandland

**Signed by the Governor*

- ~~If funded, the Washington Association of Sheriffs and Police Chiefs must convene a jail medication management work group in order to develop a model policy regarding the management of medication in jails. Not funded in the budget.~~
- The Board of Pharmacy is prohibited from regulating or establishing medication standards for a jail which does not operate a pharmacy or correctional pharmacy.
- A jail may provide for the delivery of medication to inmates by trained personnel who are not licensed pharmacists.
- The Department of Health must annually review the medication practices of the five jails that provide for the delivery of medication to inmates by non-pharmacist personnel.

SSB 5261: CREATING AN ELECTRONIC STATEWIDE UNIFIED SEX OFFENDER NOTIFICATION AND REGISTRATION PROGRAM

Prime Sponsor: Senator Regala

(HB 1223 Representative O'Brien)

**Signed by the Governor*

- The Sex Offender Notification and Registration system developed and maintained by the Washington Association of Sheriffs and Police Chiefs (WASPC) is codified.
- WASPC is not liable for the release of information from the database so long as the release of information is without gross negligence.

SSB 5285: REVISING PROCEDURES FOR APPOINTMENT OF GUARDIANS AD LITEM

Prime Sponsor: Senator Regala

**Signed by the Governor*

- Requires a guardian ad litem (GAL) to report child abuse or neglect under the mandatory reporting of child abuse and neglect statute.
- Requires the court in family law and dependency cases to attempt to match a child with special needs to a GAL with specific training or education related to the child's needs.
- Requires GAL programs to maintain and provide additional background information to the court and the parties.
- Makes other changes to the statutes governing GALs.

SSB 5286: REGARDING EXEMPTIONS FROM THE WORKFIRST PROGRAM

Prime Sponsor: Senator Regala

**Vetoed by the Governor*

- ~~Revises elements of the good cause exemption from WorkFirst participation available to parents with a child under one year of age. (Vetoed in its entirety)~~

ESSB 5288: CHANGING PROVISIONS REGARDING SUPERVISION OF OFFENDERS

Prime Sponsor: Senator Hargrove

**Signed by the Governor/partial veto*

- Supervision is eliminated for offenders who are classified at a low or moderate risk to reoffend unless the offender has been convicted of a sex offense, is a dangerously mentally ill offender, is on parole with an indeterminate sentence, is serving an alternative sentence, or is subject to supervision under the Interstate Compact.

- Supervision is eliminated for all misdemeanor and gross misdemeanor probationers sentenced to probation by the superior court, unless the offender is a misdemeanor sex offender or a misdemeanor domestic violence offender with a prior conviction.
- The Department of Corrections (DOC) has the authority to arrest and pursue administrative sanctions for misdemeanants under DOC supervision the same as for felony offenders.
- The Sentencing Guidelines Commission (SGC) must include in its biennial report to the Legislature due December 1, 2011, an analysis of the impact of the provisions of the bill on recidivism.
**HB 2325 is incorporated into ESSB 5288, as described below:*
- Community custody ranges established by the SGC are eliminated and replaced with periods fixed in statute as follows: 36 months for sex offenders, serious violent offenders, and sex offenders convicted of a failure to register; 18 months for violent offenders that did not commit a serious violent offense; and 12 months for offenders convicted of a crime against person, drug offense, or offense involving unlawful possession of a firearm by a gang member.
- Prohibits reducing the WorkFirst cash grant to a single-parent household claiming the exemption.
- ~~Emergency clause.~~ (PV)

SSB 5301: CONCERNING PERMISSIBLE USES OF MONEYS COLLECTED UNDER THE SALES AND USE TAX FOR CHEMICAL DEPENDENCY OR MENTAL HEALTH TREATMENT SERVICES OR THERAPEUTIC COURTS

Prime Sponsor: Senator Hargrove

**SSB 5301 is incorporated in its entirety into 2SSB 5433.*

SSB 5318: ADDING ADDITIONAL APPROPRIATE LOCATIONS FOR THE TRANSFER OF NEWBORN CHILDREN

Prime Sponsor: Senator Kauffman

**Signed by the Governor/partial veto*

- Adds "federally-designated rural health clinics" as another permissible location for the transfer of a newborn child without incurring criminal liability.
- Requires all permissible locations for the transfer of a newborn to post a sign so indicating by July 1, 2011.
- ~~Directs the Department of Social and Health Services to report annually to the Legislature beginning January 2011, on the number and medical condition of newborns transferred at permissible locations and newborns abandoned.~~ (PV)

SSB 5326: CONCERNING NOTICE TO INDIVIDUALS CONVICTED OF A SEX OFFENSE AS A JUVENILE OF THEIR ABILITY TO TERMINATE REGISTRATION REQUIREMENTS

Prime Sponsor: Senator Regala

(HB 1259 Representative Appleton)

**Signed by the Governor*

- No less than annually, the Washington State Patrol (WSP) must notify sex and kidnapping offenders who committed their crime as a juvenile of their ability to petition for relief from registration.
- The WSP may combine the notice with the annual notice that it already sends out.

SB 5431: REGARDING PLACEMENT OF A CHILD RETURNING TO OUT-OF-HOME CARE

Prime Sponsor: Senator Stevens

**Signed by the Governor*

- Clarifies that the bill is consistent with existing statute regarding preferences for placements with a relative or other suitable person in child dependency cases.
- Establishes that the second priority for placement of a child returned to foster care is with a foster family with whom the child lived previously if certain conditions are met.

SB 5478: DEFINING “JUVENILE” AS IT RELATES TO AUTOMATIC ADULT COURT JURISDICTION FOR SUBSEQUENT OFFENSES COMMITTED AS A JUVENILE

Prime Sponsor: Senator Hargrove

(HB 1258 Representative Appleton)

**SB 5478 was not enacted, but the provisions are substantially similar to those in SSB 5746.*

SB 5479: CONCERNING THE JURISDICTION OF ADULT AND JUVENILE COURTS TO PROCEEDINGS IN WHICH JUVENILES ARE CHARGED WITH CRIMES

Prime Sponsor: Senator Hargrove

(HB 1260 Representative Appleton)

**SB 5479 was not enacted, but the provisions are substantially similar to those in ESSB 5746.*

SSB 5510: REGARDING NOTIFICATION IN DEPENDENCY MATTERS

Prime Sponsor: Senator Stevens

**Signed by the Governor*

- Requires a standard single-page notice be attached to all Individual Services and Safety Plans prepared in children's dependency cases reminding parents of the importance of engaging in services, complying with court orders, and maintaining contact with the child.

ESB 5519: REFORMING COMPETENCY EVALUATION AND RESTORATION PROCEDURES

Prime Sponsor: Senator Hargrove

**The Governor veto*

**ESB 5519 is incorporated into the operating budget as a proviso. Was vetoed in the budget*

- ~~The Department of Social and Health Services will publish a report in May 2010 and January 2011 describing the waiting times for competency evaluations and competency restoration services from Washington's two-state hospitals.~~
- ~~The report will make recommendations for measures that may be taken by state and local governments to improve the speed of competency evaluations.~~

SB 5525: CONCERNING RENTAL VOUCHERS TO ALLOW RELEASE FROM STATE INSTITUTIONS

Prime Sponsor: Senator Carrell

**Signed by the Governor/partial veto*

- The Department of Corrections (DOC) may provide rental vouchers to an offender for a period up to three months, if rental assistance will enable the offender to have an approved release plan.
- A rental voucher must be provided in conjunction with other transitional support services such as substance abuse treatment or employment programming.
- DOC is required to track the offender's housing status during the offender's term of supervision.
- ~~DOC must report to the Legislature on the number of rental vouchers issued and the sanction history of the offenders who receive vouchers no later than December 1, 2009. (PV)~~

SB 5577: CONCERNING STANDARD FORMS FOR DEPENDENCY MATTERS

Prime Sponsor: Senator Jarrett

**SB 5577 is incorporated in its entirety into ESSB 5811.*

SSB 5718: CONCERNING THE COMMITMENT OF SEXUALLY VIOLENT PREDATORS

Prime Sponsor: Senator Regala

**Signed by the Governor*

- The prosecuting agency with the authority to file a petition for the commitment of a sexually violent predator is clarified, as well as the court that has jurisdiction to hear the petition. Prosecuting agency is defined as the prosecuting attorney of the county where the person is charged or the Attorney General's Office if requested by the prosecuting attorney.
- The prosecuting agency is given greater authority to obtain discovery of documents, and timeframes for discovery are specified.
- In order to obtain a hearing for a less restrictive alternative, the defense must propose a less restrictive alternative that meets statutory criteria.

ESSB 5746: MODIFYING SENTENCING PROVISIONS FOR JUVENILES ADJUDICATED OF CERTAIN CRIMES

Prime Sponsor: Senator Hargrove

**Signed by the Governor*

**SB 5478 was not enacted, but the provisions are similar to those in ESSB 5746.*

**SB 5479 was not enacted, but the provisions are similar to those in ESSB 5746.*

- Allows the juvenile court to have jurisdiction over a juvenile even if the juvenile has previously been the subject of adult court jurisdiction as a result of a decline hearing, if in adult court the juvenile is either acquitted of the offense charged or convicted of a lesser offense.
- Allows the prosecutor and the respondent, by agreement, and with the court's approval, to waive the exclusive adult court jurisdiction triggered by certain offenses when the juvenile is 16 or 17 years of age.
- Excludes juveniles who are 15 years of age from mandatory decline hearings.
- Adds periods of community supervision or parole supervision to the maximum sentence for a juvenile convicted of a felony motor vehicle offense.

SB 5758: REQUIRING NOTIFICATION OF THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO DEPENDENT CHILDREN

Prime Sponsor: Senator Hargrove

**SB 5758 is incorporated in part into ESSB 5811.*

SB 5803: MAKING CHANGES TO THE ADOPTION SUPPORT PROGRAM

Prime Sponsor: Senator Shin

**SB 5803 is incorporated in part into ESSB 5811.*

ESSB 5811: CONCERNING FOSTER CHILD PLACEMENTS

Prime Sponsor: Senator Hargrove

**Signed by the Governor*

**SB 5577 is incorporated in its entirety into ESSB 5811.*

**SB 5758 and SB 5803 are incorporated in part into ESSB 5811.*

- Requires the court to inquire and make findings in children's dependency cases relating to placement of the child with a relative.
- Adds references to other suitable persons with whom the court may order a child placed in dependency proceedings.
- Directs the Department of Social and Health Services (DSHS) to post on its website and provide to youth in foster care a listing of its responsibilities toward youth age 12 years and older while in foster care.
- Authorizes the Office of the Family and Children's Ombudsman to investigate allegations of retaliation against foster parents and provide findings to the DSHS.

- Requires the Administrative Office of the Courts to develop mandatory court forms for dependency cases and requires use of the forms beginning January 1, 2010.
- Requires information be provided to prospective adoptive parents regarding the limits of the adoption support program.

SSB 5881: CHANGING PROVISIONS INVOLVING TRUANCY

Prime Sponsor: Senator McAuliffe

**Signed by the Governor*

- If a child or parent is not fluent in English, the preferred practice is to provide a notice of a child's unexcused absence, or a notice of a truancy hearing, in a language in which the parents are fluent.
- A truancy petition must state whether the child and parent are fluent in English, and whether there is an individualized education program for the child.
- If a child is not provided with counsel at a truancy hearing, the court must question the child and parent on the record to ascertain whether the child and parent understand the rights of the child.
- A warrant of arrest relating to truancy must not be served on a child inside a school during school hours in a place where other students are present.

SSB 5882: REMEDIATING RACIAL DISPROPORTIONALITY IN CHILD WELFARE PRACTICES

Prime Sponsor: Senator Kauffman

**Signed by the Governor*

- Directs the Washington State Institute for Public Policy to evaluate the impact of selected interventions on racial disproportionality in Washington's child welfare system and report its findings by September 1, 2010.

SSB 5987: AUTHORIZING THE WASHINGTON STATE DEPARTMENT OF CORRECTIONS TO DEVELOP TRAINING FOR CORRECTIONS PERSONNEL

Prime Sponsor: Senator Regala

**Signed by the Governor*

- The responsibility for training corrections officers with the prisons division of the Department of Corrections (DOC) is transferred from the Criminal Justice Training Commission to DOC.
- Training for community corrections officers will continue to be developed and delivered collaboratively between DOC and the Criminal Justice Training Commission.

SSB 6024: ADDRESSING APPLICATIONS FOR PUBLIC ASSISTANCE FROM PERSONS CURRENTLY INELIGIBLE TO RECEIVE ASSISTANCE

Prime Sponsor: Senator Brandland

**Signed by the Governor*

- Removes a rule preventing an inmate of a jail who is currently ineligible to receive public assistance from applying to receive public assistance following release from jail.

ESHB 1002: ALLOWING A CERTIFICATE OF DISCHARGE TO BE ISSUED WHEN AN EXISTING ORDER EXCLUDES OR PROHIBITS AN OFFENDER FROM HAVING CONTACT WITH A SPECIFIED PERSON OR BUSINESS, OR COMING WITHIN A SET DISTANCE OF ANY SPECIFIED LOCATION

Prime Sponsor: Representative Appleton

(SB 5167 Senator Regala)

**Signed by the Governor/partial veto*

- Allows a court to issue a certificate of discharge to an offender who has completed all the requirements of his or her sentence, despite the existence of a no-contact order.

- Requires the court, upon issuing a certificate of discharge, to issue a separate no-contact order if the no-contact order is contained in the offender's judgment and sentence.
- ~~Emergency clause.~~ (PV)

HB 1030: CONCERNING THE EXEMPTION OF THE SPECIAL COMMITMENT CENTER UNDER THE PUBLIC RECORDS ACT

Prime Sponsor: Representative Appleton

(ESB 5014 Senator McAuliffe)

**Signed by the Governor*

- Records containing vulnerability assessments, emergency plans, and escape plans at the Special Commitment Center are made exempt from disclosure under the Public Records Act.
- This exemption applies only if disclosure would threaten the safety of the Special Commitment Center or any individual.

HB 1076: ALLOWING CRIME VICTIMS TO SUBMIT INPUT TO THE DEPARTMENT OF CORRECTIONS REGARDING AN OFFENDER'S PLACEMENT IN WORK RELEASE

Prime Sponsor: Representative Rolfes

(SB 5438 Senator Rockefeller)

**Signed by the Governor*

- The Department of Corrections (DOC) must give a victim, who has requested participation in the notification program, information as to how that person may provide input in an offender's proposed placement in a work release program.
- DOC must consider input received from a victim in placing an offender in work release.

SHB 1170: MODIFYING PARENTING PLANS BASED ON THE MILITARY SERVICE OF A PARENT

Prime Sponsor: Representative McCoy

(SSB 5212 Senator Kilmer)

**Signed by the Governor*

- Address changes to custody decrees and parenting plans when a parent is unable to exercise residential time or visitation with a child because of the parent's military duties.
- Provides that any change in custody as a result of the custodial parent's military duties must be temporary.
- Allows a court to delegate the residential time or visitation of a military parent to a person other than a parent during the military parent's absence.
- Requires the court to hold expedited hearings and allow testimony by electronic means when the military parent cannot appear in person.

SHB 1201: ESTABLISHING THE COMMUNITY INTEGRATION ASSISTANCE PROGRAM

Prime Sponsor: Representative O'Brien

**Signed by the Governor*

- The program for dangerous mentally ill offenders administered by the Department of Corrections and Department of Social and Health Services is named the Offender Reentry Community Safety Program (ORCSP).
- During the development of a release plan for offenders participating in the ORSCP, the offender must be offered assistance in executing a mental health advance directive.

**SHB 1221: CONCERNING COUNSELING FOR WITNESSES IN CIVIL
COMMITMENT PROCEEDINGS UNDER CHAPTER 71.09 RCW**

Prime Sponsor: Representative Maxwell

(SB 5209 Senator Regala)

**Signed by the Governor*

- The victim of a person who is the subject of a civil commitment petition under chapter 71.09 RCW whose crime occurred in another state may receive compensation from the Crime Victims' Compensation Fund for counseling expenses.

**HB 1238: ALLOWING THE WASHINGTON CENTER FOR COURT RESEARCH
AND THE OFFICE OF PUBLIC DEFENSE TO ACCESS JUVENILE
CASE RECORDS**

Prime Sponsor: Representative Appleton

(SSB 5133 Senator Hargrove)

**Signed by the Governor*

- Permits the Administrative Office of the Courts to maintain an electronic research copy of juvenile court records for use by the Washington State Center for Court Research.
- Allows the Washington Office of Public Defense to access court records needed to implement agency oversight and technical assistance.

**SHB 1239: ADDRESSING PARENTING PLANS AND RESIDENTIAL SCHEDULES
IN DEPENDENCY PROCEEDINGS**

Prime Sponsor: Representative Kagi

(SSB 5231 Senator Regala)

**Signed by the Governor*

- Authorizes the juvenile court to enter or modify an agreed parenting plan in order to implement a permanent plan of care for a dependent child and dismiss the dependency.

**HB 1281: ADDRESSING THE RIGHTS OF VICTIMS, SURVIVORS, AND
WITNESSES OF CRIMES**

Prime Sponsor: Representative Hurst

(SB 5207 Senator Regala)

**Signed by the Governor*

- Victims of crime and survivors of victims may make statements to the Indeterminate Sentence Review Board or Clemency and Pardons Board before an offender is released from custody.

SHB 1300: ACCESSING MENTAL HEALTH INFORMATION

Prime Sponsor: Representative Hurst

**Signed by the Governor*

- Mental health treatment information about an offender who is on supervision or who has been convicted or acquitted by reason of insanity of a serious violent offense, may be obtained by personnel from the Department of Corrections, Indeterminate Sentence Review Board, a city or county jail, public health officers, designated mental health professionals, and therapeutic court personnel without the consent of the offender.
- To receive detailed mental health treatment information about an offender, the person requesting the information must have reasonable suspicion that the offender has committed, or is about to commit, a crime or violation of community custody or parole, or that the offender has experienced mental deterioration that may make the offender appropriate for civil commitment.
- The person who requests the mental health treatment information may share this information with other parties who have a similar right to request the information for the purpose of coordinating official activities relating to the offender.

ESHB 1349: RENEWING ORDERS FOR LESS RESTRICTIVE TREATMENT

Prime Sponsor: Representative Green

**Signed by the Governor*

- Additional grounds are provided for a designated mental health professional to use in petitioning for renewal of a 90- or 180-day court order for involuntary outpatient mental health treatment.
- Involuntary outpatient treatment may be renewed if the person has experienced at least two episodes of involuntary hospitalization in the 36 months prior to the current period of treatment and continues to be in need of outpatient treatment which the person would be unlikely to continue absent a court order.
- Involuntary outpatient treatment may not be renewed under this standard if 36 months have passed since the person's last episode of involuntary hospitalization.

HB 1361: REGARDING COUNTY SUPERVISED COMMUNITY OPTIONS

Prime Sponsor: Representative Goodman

**Signed by the Governor*

- The court may credit an offender who is convicted of a nonviolent and nonsex offense for time served before sentencing in a county-supervised community option.
- An offender may earn early release credit for time served in a county-supervised community option.

2SHB 1373: CONCERNING CHILDREN'S MENTAL HEALTH SERVICES

Prime Sponsor: Representative Dickerson

**Signed by the Governor*

- The July 1, 2010, expiration date for the expansion from 12 to 20 in the number of outpatient mental health therapy visits available to low-income children under the Medicaid fee-for-service and Healthy Options programs is removed.
- Therapy to children may be provided by persons regulated by Title 18 who are under the direct supervision of licensed mental health professionals.
- The Department of Social and Health Services must collaborate with the Evidence-Based Practice Institute at the University of Washington in order to develop incentives for the use of recommended prescribing practices for treatment of emotional or behavioral disturbances in children.

HB 1375: ELIMINATING FOSTER CARE CITIZEN REVIEW BOARDS

Prime Sponsor: Representative Roberts

**Signed by the Governor*

- Repeals the chapter of law establishing Foster Care Citizen Review Boards.

SHB 1419: REVISING PROVISIONS AFFECTING SEXUALLY AGGRESSIVE YOUTH

Prime Sponsor: Representative Kagi

**Signed by the Governor*

- Clarifies that appropriate and available treatment services for sexually aggressive youth referred to the Department of Social and Health Services from law enforcement or a prosecutor may be offered to the child and his or her parents regardless of whether a dependency petition has been filed.

HB 1492: ADDRESSING THE INDEPENDENT YOUTH HOUSING PROGRAM

Prime Sponsor: Representative Pederson

**Signed by the Governor*

- Authorizes subcontractors participating in the Independent Youth Housing Program (Program) to use Program monies to pay for professional mental health services, as well as tuition costs for court-ordered classes and programs, provided the subcontractor determines that these expenditures are necessary to assist participating youth in accessing and maintaining independent housing.
- Broadens the definition of "eligible youth" under the requirements of the Program.

HB 1498: CONCERNING PROVISIONS GOVERNING FIREARMS POSSESSION BY PERSONS WHO HAVE BEEN INVOLUNTARILY COMMITTED

Prime Sponsor: Representative Hunter

**Signed by the Governor*

- An adult or juvenile who is civilly committed for 14 days or more of involuntary mental health treatment is prohibited from possessing a firearm.
- Firearm prohibition information must be sent to the state Department of Licensing and the National Instant Criminal Background Check database within three judicial days.
- The firearm rights of a civilly committed person may be restored upon proof that the petitioner has successfully managed the condition which led to civil commitment and no longer presents a danger to himself, herself, or others.

SHB 1505: AUTHORIZING DIVERSION FOR SEXUALLY EXPLOITED JUVENILES

Prime Sponsor: Representative Dickerson

**Signed by the Governor*

- Allows the prosecutor to divert a case where a juvenile is alleged to have committed the offenses of prostitution or prostitution loitering irrespective of the juvenile's offender history or previous diversions, if the juvenile agrees to participate in a program that provides wraparound services.
- Requires the Administrator of the Courts to compile data and prepare a report regarding the number of juveniles whose cases are diverted to a program that provides comprehensive wraparound services, whether the juveniles complete their diversion agreements, and whether juveniles who complete diversions commit subsequent offenses.

HB 1589: ADDRESSING VENUE FOR HEARINGS TO MODIFY OR REVOKE AN ORDER FOR CONDITIONAL RELEASE

Prime Sponsor: Representative Green

**Signed by the Governor*

- A petition to revoke the less restrictive alternative (LRA) of a person who has been committed under the Involuntary Treatment Act and subsequently released to an LRA may be filed in the county in which the person is present instead of the county where the original LRA was ordered.

SHB 1769: CONCERNING HOUSING ASSISTANCE IN DEPENDENCY MATTERS

Prime Sponsor: Representative Orwall

**Signed by the Governor*

- Clarifies the court's authority to order housing services or assistance in children's dependency cases.
- Creates a definition for "housing services or assistance" and incorporates the definition into the list of preventive services in the dependency chapter.
- Adds references to housing services or assistance to the dependency court processes.
- Specifies there is no entitlement to housing services or assistance in dependency cases.

ESHB 1782: CONCERNING PARENT PARTICIPATION IN DEPENDENCY MATTERS

Prime Sponsor: Representative Goodman

**Signed by the Governor*

- Requires that additional language be included in the standard notice to parents regarding shelter care hearings and the child dependency process.
- Directs the dependency court to consider the impact of placement changes on the child's ability to form secure attachments.

- Permits the dependency court to consider a parent's failure to have contact with a child for an extended period of time when the court is analyzing the likelihood conditions will be remedied so that the child may return to the parent's care in the near future.

HB 1789: ALLOWING THE DEPARTMENT OF CORRECTIONS TO APPROVE JAIL CERTIFICATIONS FROM CORRECTIONAL AGENCIES IN THE CALCULATION OF RELEASE DATES FOR OFFENDERS

Prime Sponsor: Representative Dammeier

(SB 5701 Senator Regala)

**Signed by the Governor*

- The Department of Corrections may award earned release time to an offender based on the jail certification when the jail certification is in conflict with the judgment and sentence.

HB 1790: INCLUDING DOMESTIC VIOLENCE COURT ORDER VIOLATIONS TO THE LIST OF OFFENSES ELIGIBLE FOR NOTIFICATION

Prime Sponsor: Representative O'Brien

(SB 5703 Senator Hargrove)

**Signed by the Governor*

- Adds violations of protection orders in domestic violence cases to the list of offenses eligible for notification by the Department of Corrections.

SHB 1791: CLARIFYING CERTAIN COMMUNITY CUSTODY AND DRUG OFFENDER SENTENCING ALTERNATIVE SENTENCING PROVISIONS

Prime Sponsor: Representative Dickerson

(SSB 5702 Senator Hargrove)

**Signed by the Governor*

- The appropriate term of community custody for unranked felonies is specified.
- The Department of Corrections is no longer required to conduct an examination and evaluation of an offender who may be sentenced to a prison-based drug offender sentencing alternative (DOSA), although the court may still request a risk assessment report and/or a chemical dependency screening.
- If an offender is sentenced to a residential DOSA program, the treatment provider must provide the court with the treatment plan within 30 days of the date the offender begins treatment.
- The term of community custody for a prison-based DOSA offender must be equal to one-half the midpoint of the sentencing range.

ESHB 1792: ESTABLISHING SEARCH AND ARREST AUTHORITY PROVISIONS OF OFFENDERS BY DEPARTMENT OF CORRECTIONS PERSONNEL

Prime Sponsor: Representative Dickerson

(SSB 5700 Senator Hargrove)

**Signed by the Governor*

- Community corrections staff may search an offender without reasonable cause when the offender is in or on Department of Corrections (DOC) premises or preparing to enter DOC premises or vehicles.
- Except in emergency situations, the search must be conducted by staff of the same gender as the offender.

ESHB 1794: CONCERNING THE CALCULATION OF CHILD SUPPORT

Prime Sponsor: Representative Moeller

**Signed by the Governor*

- Per the recommendations of a workgroup convened at the request of the Legislature, several statutory changes are made to the provisions for calculating child support.
- The economic table for calculating child support is extended to combined monthly net incomes of \$12,000.
- The assumption that a portion of health care costs are included in the basic child support obligation is removed and instead those expenses are treated separately.
- Additional guidance is provided for determining a parent's income.

SHB 1845: CONCERNING MEDICAL SUPPORT OBLIGATIONS

Prime Sponsor: Representative Rodne

(SSB 5612 Senator Hargrove)

**Signed by the Governor*

- Both parents are equally responsible for providing health insurance coverage, cash medical support, and their proportionate share of any uninsured medical expenses for the child.
- Cash medical support is to be paid when the other parent is providing health insurance coverage for the child or when the state is providing health care coverage through Medicaid.
- When cash medical support is collected as a result of Medicaid coverage, DSHS may retain the funds as reimbursement or pass through the funds to the parent for medical costs.

SHB 1856: PROVIDING CERTAIN PROCEDURES FOR TENANTS WHO ARE VICTIMS OF SEXUAL ASSAULT, UNLAWFUL HARASSMENT, AND STALKING

Prime Sponsor: Representative Kessler

(SSB 5833 Senator Regala)

**Signed by the Governor*

- A tenant who is a victim of sexual assault, stalking, or unlawful harassment by a landlord may terminate that tenant's rental agreement or change or add locks to the tenant's dwelling unit.
- In order to utilize the above remedies, the tenant must have a valid protection order or have made a report to a qualified third party. A copy of the order or report must be provided to the landlord within seven days of quitting the unit or changing the locks.
- When a tenant has opted to change or add locks to the dwelling unit, procedures are specified for how a landlord may gain access to the premises when needed and for automatic termination of the tenancy if other action is not taken by the tenant.

2SHB 1938: CONCERNING POSTADOPTION CONTACT WITH SIBLINGS

Prime Sponsor: Representative Roberts

**Signed by the Governor*

- Requires the court overseeing permanency planning for a child in foster care to consider the child's relationship with siblings and the benefit of postadoption contact between siblings who will be separated by adoption.
- Directs the court reviewing and approving an adoption agreement to encourage consideration of providing for postadoption contact between siblings who will be separated by adoption from foster care.
- Requires the court to inquire of attorneys and guardians ad litem representing children in adoption and dependency proceedings about the potential benefit of continuing contact between siblings and the potential detriment of severing contact.
- Requires the pre-adoption home study report to verify that discussions with adoptive parents include the relevance of sibling relationships and the potential benefit of providing for continuing contact between siblings being separated by adoption.

ESHB 1954: SEALING JUVENILE RECORDS UNDER CERTAIN CONDITIONS

Prime Sponsor: Representative Dickerson

**Signed by the Governor*

- The records of a deferred disposition for a juvenile must be sealed within 30 days of the juvenile's 18th birthday if the court has vacated the disposition and the juvenile does not currently have any pending charges.
- If the juvenile is already 18 on the effective date of the Act, the juvenile may request that the court seal his or her record.

E2SHB 1961: IMPLEMENTING THE FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

Prime Sponsor: Representative Roberts

**Signed by the Governor*

- Clarifies the authority of the Department of Social and Health Services (DSHS) to provide continuing foster care placement services under voluntary agreements with youth ages 18-21 enrolled in post-secondary education programs.
- Expands the dependency guardianship program to allow for subsidies to relative guardians according to the eligibility criteria established under federal law.
- Authorizes DSHS, beginning October 1, 2010, to provide foster care and adoption support and guardianship benefits on behalf of eligible youth up to age 21 who are engaged in qualified activities.

ESHB 2035: REQUIRING REGISTERED SEX AND KIDNAPPING OFFENDERS TO SUBMIT INFORMATION REGARDING ANY E-MAIL ADDRESSES AND ANY WEB SITES THEY CREATE OR OPERATE

Prime Sponsor: Representative Klippert

**Signed by the Governor*

- No later than November 1, 2009, the Sex Offender Policy Board must make recommendations as to the appropriate group or class of offenders who should be required to submit their electronic mail address or other electronic identifier for the purpose of monitoring potentially inappropriate online behavior and the appropriate sanctions for the failure to provide the information.

SHB 2071: CONCERNING EDUCATION FOR PARENTS OF NEEDY FAMILIES

Prime Sponsor: Representative Green

**Signed by the Governor/partial veto*

- Revises the elements of the individual responsibility plan developed for WorkFirst recipients to include education, training, and other opportunities available to the recipient to support employment goals and advance in the workplace.
- Places in statute a requirement for a quarterly report currently being provided to the Legislature.
- ~~Intent section.~~ (PV)

E2SHB 2078: CONCERNING PERSONS WITH DEVELOPMENTAL DISABILITIES WHO ARE IN CORRECTIONAL FACILITIES OR JAILS

Prime Sponsor: Representative Roberts

**Signed by the Governor*

- A work group is established to develop recommendations and report to the Legislature on how to address issues relating to developmentally disabled persons confined in correctional facilities. The report is due by December 1, 2009.
- By July 1, 2010, the work group must develop a screening tool and training to assist jails in identifying persons with developmental disabilities.

2SHB 2106: IMPROVING CHILD WELFARE OUTCOMES THROUGH THE PHASED IMPLEMENTATION OF STRATEGIC AND PROVEN REFORMS

Prime Sponsor: Representative Kagi

**Signed by the Governor/partial veto*

- Directs the Children's Administration (CA) to convert all existing contracts with providers into performance based contracts by January 1, 2011.
- Establishes a Child Welfare Transformation Design Committee (Committee) to select demonstration sites and develop performance measures and contracting criteria to use when entering into performance-based contracts with outside agencies for the provision of child welfare case management services.

- Directs the Committee to begin meeting by June 15, 2009, and to report to the Legislative Children's Oversight Committee (LCOC) and the Governor quarterly from June 2009 through June 2012, and semi-annually from June 2012 through January 2015.
- Requires the Committee to develop a transition plan to achieve full implementation of the demonstration sites by June 30, 2012, and to include the plan in its reporting to the Governor and the LCOC.
- Requires that within the demonstration sites selected by the Committee all child welfare services, including case management services, must be contracted out and may be provided by CA only if no eligible contractor is available, or in an emergency.
- Specifies that CA will continue to provide statewide services for child protection and for issuing and monitoring foster home and residential services licenses.
- ~~Requires CA to disclose unfounded allegations of abuse to supervising agencies.~~ (PV)
- Requires the Office of the Attorney General to provide legal services to contracted providers for matters in children's dependency and termination of parental rights cases.
- ~~Directs CA to develop training for child protective services staff in forensic investigation techniques.~~ (PV)
- Directs the Washington State Institute for Public Policy to (1) provide two reports to the Legislature and the Governor regarding the DSHS's conversion to performance-based contracting, on June 30, 2011, and June 30, 2012; and (2) evaluate any statistically significant changes in outcomes resulting from contracted child welfare services in the demonstration sites as compared to outcomes resulting from services provided by the DSHS and report to the Legislature and the Governor by April 1, 2015.
- ~~Intent section.~~ (PV)

HB 2325: MODIFYING COMMUNITY CUSTODY PROVISIONS

Prime Sponsor: Representative Ericks

**HB 2325 is incorporated in part into ESSB 5288.*

HJM 4000: REQUESTING PASSAGE OF THE FEDERAL ACT TO RESTORE PAYMENT OF COUNTY HEALTH CARE COSTS

Prime Sponsor: Representative O'Brien

- Requests the President and the members of Congress to pass H.R. 5698, known as the "Restoring the Partnership for County Health Care Costs Act of 2008."

JUDICIARY

786-7455

SSB 5012: DIRECTING THE WASHINGTON STATE PATROL TO DEVELOP A PLAN TO ASSIST IN THE RECOVERY OF MISSING PERSONS

Prime Sponsor: Senator Kilmer

**Signed by the Governor*

- The Washington State Patrol (WSP) must develop and implement an AMBER Alert plan to guide voluntary cooperation between different levels of law enforcement and other public and private entities to enhance the public's ability to assist in the recovery of abducted children.
- The WSP must also develop and implement an Endangered Missing Person Advisory plan to guide voluntary cooperation between different levels of law enforcement and other public and private entities to enhance the public's ability to assist in the recovery of missing persons who do not meet the criteria for an AMBER Alert.

ESB 5013: CONCERNING FEES COLLECTED BY COUNTY CLERKS

Prime Sponsor: Senator Hargrove

**Signed by the Governor*

- Fees collected by county clerks for various services are increased.

SB 5102: ADDING TWO DISTRICT COURT JUDGES IN BENTON COUNTY

Prime Sponsor: Senator Hewitt

(HB 1204 Representative Klippert)

**Signed by the Governor*

- The number of district court judges that may be elected in Benton County is increased from three to five.

ESB 5135: ADDING FIVE DISTRICT COURT JUDGES IN KING COUNTY AND REDUCING THE NUMBER OF JUDGES IN SPOKANE COUNTY

Prime Sponsor: Senator Kline

(HB 1159 Representative Goodman)

**Signed by the Governor*

- The number of statutorily authorized district court judges in King County is increased from 21 to 23 in 2009, from 23 to 25 in 2010, and from 25 to 26 in 2011.
- The number of statutorily authorized district court judges in Spokane County is reduced from 10 to eight.

SB 5147: REPEALING CRIMINAL LIBEL STATUTES

Prime Sponsor: Senator Kline

**Signed by the Governor*

- The criminal libel statutes are repealed.

SSB 5151: AUTHORIZING THE APPOINTMENT OF COURT COMMISSIONERS TO ASSIST WITH CRIMINAL CASES

Prime Sponsor: Senator Kline

**Signed by the Governor*

- The presiding superior court judge in counties with a population greater than 400,000 may appoint attorneys to act as criminal court commissioners to assist the court in disposing of adult criminal cases.
- A criminal court commissioner is provided with the same power, authority, and jurisdiction as a superior court judge presiding over adult criminal cases.

SB 5153: CREATING THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

Prime Sponsor: Senator Kline

**Signed by the Governor*

- The Uniform Foreign-Country Money Judgments Recognition Act is adopted. It establishes procedures for state courts to recognize judgments obtained in foreign countries for the purpose of enforcement.

SB 5156: ADDRESSING CERTIFICATION ACTIONS OF WASHINGTON PEACE OFFICERS

Prime Sponsor: Senator Brandland

(HB 1325 Representative O'Brien)

**Signed by the Governor*

- Decertification actions are renamed "certification" actions.
- Peace officers who are appointed to the administrative hearing panels for certification actions are required to be "certified" Washington peace officers.

SSB 5160: CONCERNING SERVICE OF NOTICE FROM SEIZING LAW ENFORCEMENT AGENCIES

Prime Sponsor: Senator Kline

**Signed by the Governor*

- When property is seized under the authority of the Uniform Controlled Substances Act, a person who wishes to assert a claim of ownership or right to possession must notify the seizing law enforcement agency within 45 days of the service of notice from the seizing agency in the case of personal property, or within 90 days in the case of real property.
- Service by mail is deemed complete upon mailing the notice of claim within the 45-day period following service of the notice of seizure in the case of personal property and within the 90-day period following service of the notice of seizure in the case of real property.

SSB 5171: MODIFYING THE WASHINGTON PRINCIPAL AND INCOME ACT OF 2002

Prime Sponsor: Senator Kline

**Signed by the Governor*

- Changes were made to the Uniform Principal and Income Act to address issues resulting from Internal Revenue Service Ruling 2006-26 regarding tax consequences of retirement benefits left in trust.

SB 5184: EVALUATING THE NEED FOR A DIGITAL FORENSIC CRIME LAB

Prime Sponsor: Senator Brandland

(HB 1248 Representative O'Brien)

**Signed by the Governor*

- The Washington State Patrol and the Attorney General must convene a working group to study the need for a virtual digital forensic lab, which would improve state and local law enforcement agencies' ability to examine computer and other digital evidence seized during investigations.
- The work group must consult with computer software companies and representatives from existing digital forensic labs, and examine a list of issues related to establishing and operating a digital forensic lab.
- The work group must also examine the advantages of having a centralized lab or regional labs and whether uniformed officers or civilian personnel would best serve the needs of the lab.

ESSB 5262: ALLOWING LAW ENFORCEMENT ACCESS TO DRIVER'S LICENSE PHOTOGRAPHS FOR THE PURPOSES OF IDENTITY VERIFICATION

Prime Sponsor: Senator Kline
**Signed by the Governor*

(HB 1224 Representative Klippert)

- The Department of Licensing is authorized to provide access to photo negative files to official government enforcement agencies for the purpose of verifying identity.

ESSB 5263: PROHIBITING DEVICES IN SCHOOLS THAT ARE DESIGNED TO ADMINISTER TO A PERSON OR AN ANIMAL AN ELECTRIC SHOCK, CHARGE, OR IMPULSE

Prime Sponsor: Senator Hargrove
**Signed by the Governor*

(HB 1222 Representative Appleton)

- Stun guns or portable devices used to provide electric shock, charge, or impulse are deemed unlawful for a person to carry onto or possess on school premises, school provided transportation, or areas used exclusively by schools.
- School security officers who are not commissioned law enforcement officers may not possess stun guns or other electric shock devices on school property unless they have successfully completed training in the use of the device that is equivalent to training received by commissioned law enforcement officers.

SB 5277: REGARDING FEES ALLOWED AS COURT COSTS IN DISTRICT COURTS

Prime Sponsor: Senator Hatfield
**Signed by the Governor*

- At the option of the district court, clerks may collect fees for the following services: (1) preparing a certified copy of an instrument on file or of record in the clerk's office: \$5 for the first page or a portion of the first page and \$1 for each additional page; (2) authenticating or exemplifying an instrument: \$2 for each additional seal affixed; (3) preparing a copy of an instrument on file or of record without a seal: 50 cents per page; (4) copying a document without a seal or that is in an electronic format: 25 cents per page; (5) copies made on a CD: \$20 per CD; (6) receiving faxed documents authorized by court rules: up to \$3 for the first page and \$1 for each additional page; and (7) services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches: up to \$20 per hour or portion of an hour.

SB 5298: REMOVING THE PENALTY LANGUAGE FROM NATURAL RESOURCE CIVIL INFRACTIONS

Prime Sponsor: Senator Regala
**Signed by the Governor*

(HB 1335 Representative Goodman)

- The designation of a failure to sign a natural resource infraction notice as a misdemeanor is repealed.

SSB 5343: EXEMPTING SPECIFIED PERSONS FROM RESTRICTIONS ON MARKETING ESTATE DISTRIBUTION DOCUMENTS

Prime Sponsor: Senator Regala
**Signed by the Governor*

(HB 1331 Representative Rodne)

- Certified public accountants and enrolled agents are exempt from the law prohibiting the marketing of estate distribution documents for the limited purpose of gathering information for the preparation of an estate distribution document. Estate distribution documents include wills, trusts, etc.
- "Gathering information for the preparation of an estate distribution document" is defined.

SSB 5380: ADDRESSING THE STATUTE OF LIMITATIONS FOR CERTAIN CRIMES

Prime Sponsor: Senator McCaslin

**Signed by the Governor*

- A felony violation of the laws pertaining to the crimes of money laundering and identity theft may not be prosecuted more than six years after their commission or their discovery, whichever occurs later.
- The crimes of theft in the first or second degree, when accomplished by color or aid of deception, may not be prosecuted more than six years after their commission or their discovery, whichever occurs later.

SSB 5402: REGARDING THE PREVENTION OF ANIMAL CRUELTY

Prime Sponsor: Senator Tom

(HB 1968 Representative Williams)

**Signed by the Governor*

- The circumstances under which a court must prohibit a person convicted of a violation of animal cruelty from possessing similar animals are changed. Similar animals are those animals classified in the same genus.
- A law enforcement officer or animal control officer may seize an animal possessed in violation of a court order prohibiting possession of similar animals.

SB 5413: CONCERNING THE ASSAULT OF A LAW ENFORCEMENT OFFICER OR OTHER EMPLOYEE OF A LAW ENFORCEMENT AGENCY

Prime Sponsor: Senator Eide

(HB 1440 Representative Kelley)

**Signed by the Governor*

- An additional 12 months is added to the standard sentence range for offenses in which the defendant is convicted of assaulting a law enforcement officer, or other law enforcement agency employee, who was performing official duties at the time of the assault and there has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant intentionally committed the assault with what appears to be a firearm.
- The court will make a finding of fact of the special allegation.
- If a jury trial occurs, the jury must find a special verdict as to the special allegation if it finds the defendant guilty.

SB 5699: CONCERNING THE OFFICE OF PUBLIC GUARDIANSHIP

Prime Sponsor: Senator Franklin

(HB 1417 Representative Kenney)

**Signed by the Governor*

- The Office of Public Guardianship is authorized to provide training to individuals who are likely to provide guardianship services to the office in the future.

SSB 5732: CONCERNING TRAFFIC INFRACTIONS FOR DRIVERS WHOSE LICENSES OR PRIVILEGES ARE SUSPENDED OR REVOKED

Prime Sponsor: Senator

**Signed by the Governor*

- The superior courts or courts of limited jurisdiction are authorized to participate or provide relicensing diversion programs to persons who commit the offense driving while license suspended in the third degree (DWLS 3), due to failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation.
- Eligibility for relicensing diversion programs is limited to violators who, in the ten years preceding the date of entering the program, have had no more than four convictions of DWLS 3 due to failure to appear at a requested hearing or failure to respond or comply with the terms of traffic infraction, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court.
- In jurisdictions that do not have a relicensing diversion program, a person who commits DWLS 3 due to failure to appear at a hearing or failure to respond or pay a traffic infraction, is given an abstract of his or her driving

record by the court or the prosecuting attorney, in addition to a list of the person's unpaid traffic offense-related fines and contact information for each jurisdiction or collection agency to which the money is owed.

- Subject to available funds, counties and cities must provide information regarding their relicensing diversion programs to the administrative office of the courts (AOC) and AOC will analyze the data and develop a best practices model.

SB 5832: ALLOWING THE PROSECUTION OF SEX OFFENSES AGAINST MINOR VICTIMS UNTIL THE VICTIM'S TWENTY-EIGHTH BIRTHDAY IF THE OFFENSE IS LISTED IN RCW 9A.04.080(1) (B) (III)(A) OR (C)

Prime Sponsor: Senator Kohl-Welles

**Signed by the Governor*

- Rape in the first degree and second degree when the victim is under 14 years of age at the time of the rape and the rape is reported to a law enforcement agency within one year of its commission may be prosecuted up to the victim's twenty-eighth birthday.
- Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; and incest may be prosecuted up to the victim's twenty-eighth birthday.

SSB 5931: REGARDING LICENSED MENTAL HEALTH PRACTITIONER PRIVILEGE

Prime Sponsor: Senator Murray

**Signed by the Governor*

- Licensed mental health counselors, independent clinical social workers, and marriage and family therapists may not disclose or be compelled to testify about any information acquired from persons consulting the counselor in a professional capacity when the information was necessary for the counselor to provide treatment.
- Certain exceptions to the testimonial privilege are provided.

SB 5952: MODIFYING THE DEFINITION OF "SEXUAL ORIENTATION" FOR MALICIOUS HARASSMENT PROSECUTION PURPOSES

Prime Sponsor: Senator McDermott

(HB 2219 Representative Moeller)

**Signed by the Governor*

- The definition of "sexual orientation" in the malicious harassment statute is expanded to mirror the definition included in the labor regulations under RCW 49.60.040.

SHB 1022: MODIFYING STATUTORY COST PROVISIONS

Prime Sponsor: Representative Williams

(SB 5025 Senator Kline)

**Signed by the Governor*

- A plaintiff is expressly allowed to recover certain costs of bringing a lawsuit.
- This provision applies if, after a civil lawsuit is filed for the recovery of money, the defendant offers and the plaintiff accepts full or partial payment of the amount sued for, and the plaintiff gave the defendant prior written notice that the defendant may still be liable for those costs in addition to the payment accepted.

HB 1042: CONCERNING NOTICES OF DISHONOR

Prime Sponsor: Representative O'Brien

(SB 5024 Senator Kline)

**Signed by the Governor*

- The debtor is presumed to have received the notice of dishonor three days from the date the notice is mailed.
- A statement is added to the notice of dishonor form informing the debtor that the amount the debtor may be liable for if court action is taken is advisory only and should not be construed to mean that legal action is contemplated or intended.

2SHB 1052: CONCERNING FIREARM LICENSES FOR PERSONS FROM OTHER COUNTRIES

Prime Sponsor: Representative Moeller

**Signed by the Governor*

- The Alien Firearms License statute is repealed and new requirements for the possession of firearms by noncitizens are established.

HB 1058: REVISING EDITORIAL STANDARDS FOR THE RCW

Prime Sponsor: Representative Goodman

(SB 5121 Senator Kline)

**Signed by the Governor*

- The Code Reviser is authorized to make editorial corrections to the RCW, such as alphabetizing definition sections, omitting severability clauses, and removing annotations that are more than ten years old.
- The Code Reviser is authorized to make these editorial changes only if the change does not affect the meaning of the section or the removal of information is not necessary to preserve the full intent of the law.

EHB 1059: MAKING TECHNICAL CORRECTIONS TO VARIOUS STATUTES AT THE REQUEST OF THE STATUTE LAW COMMITTEE

Prime Sponsor: Representative Goodman

(SB 5122 Senator Kline)

**Signed by the Governor*

- Technical corrections are made to provide accurate internal references and to remove inoperative language from statute.
- Certain sections of the RCW are re-enacted to merge double amendments.

SHB 1067: CREATING THE UNIFORM LIMITED PARTNERSHIP ACT

Prime Sponsor: Representative Pedersen

**Signed by the Governor*

- Updates and modernizes limited partnership laws to conform with statutes governing other business entities in Washington.
- A limited partnership may opt to become a limited liability limited partnership.

HB 1068: REVISING THE WASHINGTON BUSINESS CORPORATION ACT

Prime Sponsor: Representative Pedersen

**Signed by the Governor*

- Procedures, such as notice procedures, in the Washington Business Corporation Act (WBCA) governing corporate action taken without a shareholders' meeting or a vote are amended.
- The term "corporate action" is defined and applied consistently throughout the WBCA.
- Technical corrections are made to reflect changes to the WBCA made in 2007 on plurality voting.

SHB 1103: CONCERNING THE ESTATES OF VULNERABLE ADULTS

Prime Sponsor: Representative Moeller

**Signed by the Governor*

- A person who financially exploits a vulnerable adult is prohibited from inheriting property or any benefit from the vulnerable adult.
- An exception is provided that allows a vulnerable adult, after demonstrating that he or she knew of the financial exploitation, to ratify his or her intent to transfer property or a benefit to the financial abuser.

**SHB 1119: CONCERNING THE MANAGEMENT OF FUNDS HELD BY
NONPROFIT INSTITUTIONS**

Prime Sponsor: Representative Pedersen

**Signed by the Governor*

- Adopts the Uniform Prudent Management of Institutional Funds Act.
- The new act establishes updated and more specific standards and guidelines for the management and investment of charitable funds and the expenditure of a charitable institution's endowment funds.

HB 1120: CONCERNING UNIFORM LAWS

Prime Sponsor: Representative Pedersen

**Signed by the Governor*

- The Uniform Legislation Commission is renamed the Washington State Uniform Law Commission and its authorizing statute is updated and revised.
- The Governor must appoint three qualified persons to serve on the Commission.
- The Commission must identify areas of the law where uniformity of state laws is desirable and practicable, and either Congress lacks jurisdiction to act or it is preferable that the several states enact the laws. The Commission is required to propose to the Legislature adoption of the uniform acts developed with other commissioners at the National Conference of Commissioners on Uniform State laws.

**ESHB 1138: CONCERNING ACCESS TO EMPLOYEE RESTROOMS IN RETAIL
STORES**

Prime Sponsor: Representative Liias

**Signed by the Governor*

- A retail establishment that has a restroom facility for its employees must allow a customer to use the facility during business hours if the customer making the request has an eligible medical condition or uses an ostomy device, provides evidence of the existence of the medical condition or device in writing, and one of the following conditions is met: (1) the employee restroom is reasonably safe and not located in an area where providing access would create an obvious health or safety risk to the customer; or (2) allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.
- An eligible medical condition includes Crohn's disease, ulcerative colitis, other inflammatory bowel disease, or any permanent or temporary medical condition that requires immediate access to a restroom facility.
- A retail establishment that has a restroom facility must allow a customer to use that facility during business hours if all of the four conditions specified in the bill are met.

**HB 1148: PROTECTING ANIMALS FROM PERPETRATORS OF DOMESTIC
VIOLENCE**

Prime Sponsor: Representative Williams

**Signed by the Governor*

- When issuing a domestic violence protection order, a court may include pets in the disposition of personal effects and may order exclusive custody or control of any pets owned by the petitioner, respondent, or their children.
- The court may also prohibit the respondent from interfering with the petitioner's efforts to remove the pet, and from knowingly coming within a specified distance of locations where the pet is regularly found.
- It is a gross misdemeanor if the person subject to the protection order violates the order by interfering with the petitioner's efforts to remove a pet.

HB 1158: ALLOWING ELECTRONIC SIGNATURES ON JUROR DECLARATIONS

Prime Sponsor: Representative Goodman

(SB 5134 Senator Kline)

**Signed by the Governor*

- Courts are permitted to establish a means by which electronic declarations and electronic signatures may be used to determine whether a person summoned for jury duty is eligible to serve on a jury.

SHB 1205: ADDING ONE JUDGE TO DIVISION TWO OF THE COURT OF APPEALS

Prime Sponsor: Representative Van De Wege

(SB 5205 Senator Hargrove)

**Signed by the Governor*

- An additional judge position for Division II of the Court of Appeals is authorized.
- The new judge position becomes effective only if that position is specifically funded and referenced in an Omnibus Appropriations Act.

HB 1218: CHANGING THE REQUIREMENT THAT CONTEMPT OF COURT SANCTIONS BE SERVED IN THE COUNTY JAIL

Prime Sponsor: Representative Goodman

**Signed by the Governor*

- The contempt of court statute is revised to allow detention imposed for contempt of court to be served in any jail.

HB 1257: ELIMINATING THE REQUIREMENT THAT COURTS SEGREGATE DEFERRED PROSECUTION FILES

Prime Sponsor: Representative Goodman

**Signed by the Governor*

- The requirement that deferred prosecution files be kept in a separate court file than the regular court docket is removed.

SHB 1261: ENACTING THE ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT

Prime Sponsor: Representative Goodman

**Signed by the Governor*

- The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act is adopted.
- The Act establishes standards for determining the state court with primary jurisdiction over guardianship and protective proceedings, procedures for communication and cooperation between state courts, methods for transferring jurisdiction to another state, and recognition and enforcement of out-of-state orders.

HB 1264: REGARDING THE CREATION AND REGISTRATION OF ENTITIES FORMED BY PUBLIC AGENCIES

Prime Sponsor: Representative Springer

**Signed by the Governor*

- Various business entity statutes are amended to allow a governmental body to serve as the registered agent for the entity.

HB 1324: MODIFYING THE REQUIREMENTS OF PSYCHOLOGICAL EXAMINATIONS FOR PEACE OFFICER CERTIFICATION

Prime Sponsor: Representative O'Brien

(SB 5157 Senator Brandland)

**Signed by the Governor*

- Applicants that have been offered a conditional offer of employment as a commissioned peace officer or reserve officer, including those whose certifications have lapsed, must pass a standardized psychological examination that is in compliance with the rules of the Criminal Justice Training Commission as a condition of continued employment.

ESHB 1362: CONCERNING VEHICLES USED IN PROSTITUTION-RELATED OFFENSES

Prime Sponsor: Representative Goodman

(SSB 5934 Senator Kohl-Welles)

**Signed by the Governor*

- A vehicle used in a prostitution-related offense may be impounded if the person arrested has a previous conviction for a prostitution-related offense or if the violation is within a designated area.
- A \$500 fine must be paid before the vehicle is released from impoundment. The fine is to be deposited in the Prostitution Prevention and Intervention Account.

EHB 1385: MODIFYING PROVISIONS RELATING TO SEXUAL MISCONDUCT BY SCHOOL EMPLOYEES

Prime Sponsor: Representative Haler

(SB 5232 Senator Delvin)

**Signed by the Governor*

- Sexual misconduct with a minor in the first or second degree encompasses school employees who have sexual relations with a minor, up to the age of 21, who is an enrolled student or is attending an event hosted or sponsored by the employee's school.

HB 1426: REGARDING THE USE OF CERTIFIED MAIL

Prime Sponsor: Representative Hunt

**Signed by the Governor*

- An electronic return receipt is permitted as a form of delivery confirmation whenever a statute allows or requires the use of "certified mail with a return receipt requested."

SHB 1592: REGISTERING BUSINESS ENTITIES AND ASSOCIATIONS WITH THE SECRETARY OF STATE

Prime Sponsor: Representative Pedersen

**Signed by the Governor*

- The time for an administratively dissolved Limited Liability Company to seek reinstatement is extended from two to five years.
- Corporation Soles must file an annual report with the Secretary of State and no new Corporation Sole may be formed after August 1, 2009.

SHB 1919: OPERATING AND ADMINISTERING A DRUG COURT PROGRAM

Prime Sponsor: Representative Kagi

**Signed by the Governor*

- A county may use up to 10 percent of the Criminal Justice Treatment Account (CJTA) funding it receives for administrative and overhead costs associated with the operation of a drug court.
- No local match or maintenance of effort is required for the CJTA funding that is used for administrative and overhead costs of a drug court.
- The authorization to expend CJTA funds on the administrative and overhead costs of a drug court expires June 30, 2013.

EHB 2279: ADDRESSING THE OFFENSE OF ASSAULT OF A CHILD IN THE FIRST DEGREE BY REQUIRING THE REVIEW OF THE SENTENCING OF OFFENDERS AND MODIFYING THE CONDITIONS OF RELEASE

Prime Sponsor: Representative Hurst

**Signed by the Governor*

- As a condition of community custody, the court must prohibit an offender convicted of assault of a child in the first degree from serving in any paid or volunteer capacity where that offender has control or supervision of children under age 13.

LABOR, COMMERCE & CONSUMER PROTECTION

786-7426

SSB 5009: CREATING A MILITARY SERVICE EXEMPTION FOR BENEFITS CHARGED TO THE EXPERIENCE RATING ACCOUNTS OF EMPLOYERS

Prime Sponsor: Senator Marr

**Signed by the Governor*

- The Commissioner of the Employment Security Department has discretion to grant benefit charge relief to an employer if the benefit charge results from a payment to an individual who was hired to replace an employee who is a member of the military reserves or National Guard and is laid off when the military employee returns to work.

SSB 5011: PROHIBITING THE SALE OR DISTRIBUTION OF CERTAIN NOVELTY LIGHTERS

Prime Sponsor: Senator Kauffman

(HB 1015 Representative Simpson)

**Signed by the Governor*

- Prohibits the sale and distribution of novelty lighters.
- Authorizes jurisdictions that enforce the State Fire Code to enforce the prohibition and impose civil penalties.

SB 5038: MAKING TECHNICAL CORRECTIONS TO GENDER-BASED TERMS

Prime Sponsor: Senator Kohl-Welles

(HB 1540 Representative Orwall)

**Signed by the Governor/partial veto*

- Gender-specific terms are changed to gender-neutral terms in several titles of the Revised Code of Washington.
- *The governor vetoed 15 sections due to conflicting amendments in other legislation. (PV)*

SSB 5040: CLARIFYING AND PRESCRIBING PENALTIES FOR GAMBLING UNDER THE AGE OF EIGHTEEN

Prime Sponsor: Senator Delvin

(SHB 1040 Representative Wood)

**Signed by the Governor*

- Minors may play bingo, raffles, and amusement games, but may not participate in other gambling activities.
- A minor who engages in prohibited gambling activities commits a class 2 civil infraction and is subject to a fine, community restitution, and court costs. Any winnings of the minor must be forfeited to the Department of Social and Health Services Division of Alcohol and Substance Abuse and used for youth problem gambling awareness.

SB 5060: MODIFYING PROVISIONS RELATING TO THE USE OF MANUFACTURED WINE OR BEER

Prime Sponsor: Senator Jacobsen

**Signed by the Governor*

- Home-made beer and wine may be removed from the home for private consumption.
- The maximum amount of home-made beer or wine that may be removed from the home for private consumption is 20 gallons.

ESSB 5110: ALLOWING WEDDING BOUTIQUES AND ART GALLERIES TO SERVE WINE OR BEER TO THEIR CUSTOMERS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER

Prime Sponsor: Senator Honeyford

**Signed by the Governor*

- Wedding boutiques and art galleries may offer one glass of wine or beer without charge to customers at least 21 years of age for on-premise consumption.

SB 5125: CONCERNING THE WASHINGTON HORSE RACING COMMISSION WASHINGTON BRED OWNERS' BONUS FUND AND BREEDER AWARDS ACCOUNT

Prime Sponsor: Senator Hewitt

(HB 1315 Representative Quall)

**Signed by the Governor*

- The Horse Racing Commission may collect and distribute both the Washington bred owners' bonuses and the Washington bred breeder awards.
- One percent of the gross receipts of all parimutuel machines from exotic wagers must be paid to the Horse Racing Commission at the end of a race meet and must be used by the Commission for Washington bred breeder awards.

SB 5221: REGARDING DISTRESSED PROPERTY CONVEYANCES

Prime Sponsor: Senator Tom

(HB 1132 Representative Goodman)

**Signed by the Governor*

- It is clarified that assisting a homeowner to obtain a contract to sell a home within 20 days of foreclosure or arranging for a homeowner to stay in the foreclosed home as a lessee or tenant for no more than 20 days does not trigger the duties of a distressed home consultant if the homeowner is represented in the transaction by an attorney or licensed real estate broker or salesperson.
- A licensed real estate broker or salesperson is not a distressed home consultant when providing services governed by the real estate brokerage laws.

SSB 5273: REGARDING THE PRACTICE OF LANDSCAPE ARCHITECTURE

Prime Sponsor: Senator Murray

(HB 1359 Representative Williams)

**Signed by the Governor*

- Establishes licensing requirements for the practice of landscape architecture in place of the registration requirements for using the title of landscape architect.
- Establishes exemptions to the licensing requirements for the practice of landscape architecture.
- Directs the State Board of Licensure for Landscape Architects to administer the requirements.
- Creates the Landscape Architects' License Account in the State Treasury.

SB 5284: CONCERNING TRUTH IN MUSIC ADVERTISING

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Promoting or conducting a live musical performance through advertising that claims or implies an affiliation between the performing musical group and a recording group is prohibited unless an exception as provided for in statute applies.
- Anyone who violates this prohibition is liable for a civil penalty of at least \$5,000 up to \$15,000 per violation.
- An action for a civil penalty or other injunctive relief may be brought by the Attorney General or a city or county prosecutor.

SSB 5340: CONCERNING INTERNET AND MAIL ORDER SALES OF TOBACCO PRODUCTS

Prime Sponsor: Senator Prentice

(SHB 1249 Representative Cody)

**Signed by the Governor*

- A person may not ship tobacco products, other than cigars, purchased by mail or through the Internet to anyone in Washington other than a licensed wholesaler or retailer.
- The cigarette delivery sale statute is repealed.

SSB 5367: CREATING A SPIRITS, BEER, AND WINE NIGHTCLUB LICENSE

Prime Sponsor: Senator Kohl-Welles

(SHB 1434 Representative Conway)

**Signed by the Governor*

- A spirits, beer, and wine nightclub license is established. The nightclub license allows a nightclub to make retail sales of liquor by the drink, beer, and wine for on-premises consumption.
- The total number of nightclub licenses and restaurant licenses are subject to a cap of one license for every 1,200 people in the state.

SSB 5388: CONCERNING THE DISCLOSURE OF ANY KNOWN DAMAGE AND REPAIR TO A NEW MOTOR VEHICLE BY MOTOR VEHICLE DEALERS

Prime Sponsor: Senator Parlette

(HB 1927 Representative Armstrong)

**Signed by the Governor*

- Any known damage and repair to a new motor vehicle must be disclosed in writing by the manufacturer and/or the dealer. This only applies to damage that exceeds \$1,000 or 5 percent of the Manufacturer's Suggested Retail Price, whichever is greater.
- If disclosure is not required, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

SSB 5434: REGARDING PROHIBITED PRACTICES IN ACCOUNTANCY

Prime Sponsor: Senator Marr

(SHB 1518 Representative Conway)

**Signed by the Governor*

- An accounting firm with an office in this state offering to perform attestation or compilation services may not use the title "Certified Public Accountant" without a license.
- This does not impact the services permitted by unlicensed persons.

SB 5492: APPLYING RCW 41.56.430 THROUGH 41.56.490 TO EMPLOYEES WORKING UNDER A SITE CERTIFICATE ISSUED UNDER CHAPTER 80.50 RCW

Prime Sponsor: Senator Marr

(HB 1389 Representative Blake)

**Signed by the Governor*

- Adds the operating and maintenance employees at a commercial nuclear power plant to the employees covered by interest arbitration under the Public Employees' Collective Bargaining Act.
- Specifies factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving these employees.

SSB 5531: MODIFYING PROVISIONS RELATING TO CONSUMER PROTECTION ACT VIOLATIONS

Prime Sponsor: Senator Regala

(SHB 1683 Representative Kirby)

**Signed by the Governor*

- In a lawsuit for a Consumer Protection Act (CPA) violation, the district and superior courts have the discretion to award up to \$25,000 in damages.

- In a private action claiming a CPA violation, a claimant may establish that the act or practice is injurious to the public because it violates a statute which incorporates the CPA; violates a statute which contains a specific legislative declaration of public interest impact; or has injured or will injure other persons.

SSB 5561: REQUIRING THE BUILDING CODE COUNCIL TO ADOPT RULES THAT REQUIRE CERTAIN BUILDINGS TO BE EQUIPPED WITH CARBON MONOXIDE ALARMS

Prime Sponsor: Senator Kline

**Signed by the Governor*

- Requires the State Building Code Council (Council) to adopt rules requiring carbon monoxide alarms in residential occupancies.
- Specifies that these rules must require carbon monoxide alarms in new buildings in 2011, and in existing structures beginning in 2013.
- Allows the Council to exempt certain buildings.

SSB 5574: PROTECTING CONSUMER DATA IN MOTOR VEHICLES

Prime Sponsor: Senator Kauffman

**Signed by the Governor*

- Requires notification in the owner's manual of a vehicle, a subscription service agreement, or a product manual of the existence of any recording device that preserves or records data collected by sensors or systems within the motor vehicle.
- Prevents access to information on a recording device without the permission of the owner except in specific circumstances.
- Makes violations of the act a violation of the Consumer Protection Act.
- Requires the commercial availability of tools for accessing and retrieving information stored in a recording device.

ESSB 5595: ADDRESSING THE TERMINATION, CANCELLATION, OR NONRENEWAL OF FRANCHISES BETWEEN NEW MOTOR VEHICLE DEALERS AND MANUFACTURERS

Prime Sponsor: Senator Keiser

(SHB 1704 Representative Conway)

**Signed by the Governor*

- Manufacturers have certain duties to a vehicle dealer upon the termination, cancellation, or nonrenewal of a vehicle franchise, which are broadened to include the termination, cancellation, or nonrenewal of a franchise by the dealer.
- A manufacturer is only responsible for repurchasing vehicles that the dealer acquired in the ordinary course of business. Additionally, a manufacturer is not required to buy back any inventory that is sold to a purchasing dealer as part of the sale.
- These new provisions do not apply to motor home franchises. In case of the motor homes, a manufacturer must pay only certain costs to the dealer if the manufacturer initiates the termination, cancellation, or nonrenewal of a franchise.

SSB 5613: AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRIES TO ISSUE STOP WORK ORDERS FOR VIOLATIONS OF CERTAIN WORKERS' COMPENSATION PROVISIONS

Prime Sponsor: Senator Kohl-Welles

(SHB 1554 Representative Conway)

**Signed by the Governor*

- Authorizes the Director of the Department of Labor and Industries to issue a stop-work order against a contractor or electrician employer if the employer has failed to secure industrial insurance.

ESSB 5651: PROVIDING HUMANITARIAN REQUIREMENTS FOR CERTAIN DOG BREEDING PRACTICES

Prime Sponsor: Senator Kohl-Welles

(HB 1936 Representative Appleton)

**Signed by the Governor*

- Prohibits a person from having more than 50 unaltered dogs that are more than six months old at any time.
- Establishes minimum housing, exercise, and other requirements for dogs.
- Exempts retail pet stores, certain facilities, organizations, and other entities.

SB 5750: ADDRESSING THE PROTECTION OF CONSUMERS BY PROVIDING FLEXIBILITY IN THE REPAYMENT OF CERTAIN DEBTS

Prime Sponsor: Senator Pridemore

**SB 5750 is incorporated in part into ESHB 1709.*

SSB 5793: CONCERNING A SINGLE-OCCUPANCY FARM CONVEYANCE

Prime Sponsor: Senator Schoesler

(HB 2184 Representative Schmick)

**Signed by the Governor*

- Hand-powered, counterweighted, single-occupancy farm conveyances used exclusively by a farm operator or the farm operator's family members are exempt from Department of Labor and Industry permit and inspection requirements.

SB 5804: SETTING FORTH THE CIRCUMSTANCES UNDER WHICH A PERSON QUALIFIES FOR BENEFITS WHEN VOLUNTARILY LEAVING PART-TIME WORK

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- An individual will not be disqualified from unemployment insurance benefits if the individual was simultaneously employed in full-time and part-time work, voluntarily quit the part-time work before loss of the full-time work, and is otherwise eligible for benefits.

E2SSB 5809: REVISING UNEMPLOYMENT COMPENSATION AND WORKFORCE TRAINING PROVISIONS

Prime Sponsor: Senator Hargrove

**Signed by the Governor/partial veto*

- Funds appropriated in the 2009-2011 Operating Budget will be distributed by the Employment Security Department (ESD) to workforce development councils as a match to federal or local workforce investment acts funds that provide specifically for the education and training of individuals in high-demand occupations.
- ~~Directs the Governor to use 10 percent of statewide funds available for activities under the Workforce Investment Act in Title VIII of the American Recovery and Reinvestment Act of 2009 as incentive funds.~~ (PV)
- Individuals training for occupations in the aerospace, energy efficiency, forest product, or health care industries will be given priority, so long as the priority is consistent with federal law.

SSB 5834: REGARDING ALCOHOLIC BEVERAGE REGULATION

Prime Sponsor: Senator Kohl-Welles

(HB 1988 Representative Wood)

**Signed by the Governor*

- Holders of a private club license may sell any bottled wine for off-premise consumption, rather than just wine vinted and bottled in Washington carrying a label exclusive to the license holder.
- A domestic winery operating as a distributor of its own product may maintain one off-premise warehouse for distribution, subject to Liquor Control Board approval.
- Domestic distillers and accredited representatives of distillers may donate spirits to 501(c)(3) and 501(c)(6) nonprofit charitable corporations.

- Up to 20 cases of wine may be transferred annually from one licensed location to another so long as both locations are under common ownership.
- Checks, credit or debit cards, electronic funds transfers, and other similar methods can be used as cash payments by retailers to distributors.
**HB 1171 was not enacted, but the provisions are similar as described below:*
- The termination date on the ability of the Washington Beer Commission to receive gifts and grants from public or private sources is removed.
**HB 1462 was not enacted, but the provisions are similar as described below:*
- Beer and/or wine specialty shop licensees can obtain an endorsement to sell beer in kegs.

E2SSB 5850: PROTECTING WORKERS FROM HUMAN TRAFFICKING VIOLATIONS

Prime Sponsor: Senator Kohl-Welles

**Signed by the Governor/partial veto*

- Employers and international labor recruitment agencies must provide disclosure statements to foreign workers.
- ~~An employer who violates the disclosure requirement is subject to the Consumer Protection Act. (PV)~~
- The Office of Crime Victims Advocacy must supply the licensing authority of certain health care professionals with information on methods of recognizing victims of human trafficking. The licensing authority must disseminate this information to its licensees.

SB 5862: LIMITING THE BALANCE OF SMALL LOANS BY A CONSUMER ENFORCED BY A DATABASE

Prime Sponsor: Senator Tom

**SB 5862 is incorporated in part into ESHB 1709.*

ESSB 5873: REGARDING APPRENTICESHIP UTILIZATION

Prime Sponsor: Senator Kline

**Signed by the Governor*

- Public works contracts awarded by state four-year institutions of higher education must include apprentice utilization provisions.
- The apprentice utilization requirement is phased in over three years resulting in a final requirement that 15 percent of labor hours be performed by apprentices.
- A contractor can be barred and/or disqualified from bidding on a public works contract if the contractor is found out of compliance for working apprentices out of ratio, without supervision, or outside their approved work processes.

SB 5903: REGARDING PUBLIC WORKS CONTRACTS FOR RESIDENTIAL CONSTRUCTION

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Requires an awarding agency to specify in a public works contract whether the work contracted for meets the definition of "residential construction."
- Requires an awarding agency to pay the difference between the residential rate stated and the actual commercial rate, if it is later determined that the work performed is commercial.

SSB 5904: DEFINING INDEPENDENT CONTRACTOR FOR PURPOSES OF PREVAILING WAGE

Prime Sponsor: Senator Kohl-Welles

(HB 1786 Representative Ormsby)

**Signed by the Governor*

- Defines independent contractor for prevailing wage purposes.

SSB 5963: REGARDING UNEMPLOYMENT INSURANCE

Prime Sponsor: Senator Kohl-Welles

(HB 2204 Representative Conway)

**Signed by the Governor*

- Unemployment Insurance (UI) benefits are charged back to employers in the same amount that benefits are paid out ("pay at 2, charge at 4" is changed to "pay at 2, charge at 2").
- Modifies UI tax rates.
- An individual has good cause and is not disqualified from UI benefits only if the individual quit for one of the specified reasons listed in statute.
- An additional good cause quit provision is established for individuals who left work to relocate for the employment of a spouse or domestic partner.
- The eligibility period for extended benefits for certain individuals who are eligible for emergency unemployment compensation is modified.

ESSB 5978: ESTABLISHING CERTAIN CONSUMER REBATE REQUIREMENTS

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- Consumer rebates are to be sent to the consumer within 90 days of the rebate request.
- If the rebate is sent as a check, the check is to be mailed in a way that identifies the mail as the anticipated rebate.
- A person offering a consumer rebate must give the consumer at least 14 days from the date of purchase to request the rebate.

SJM 8012: URGING ADOPTION OF A TREATY FIGHTING DISCRIMINATION AGAINST WOMEN

Prime Sponsor: Senator Fraser

(HJM 4013 Representative Kenney)

- President Obama and the Secretary of State are respectfully urged to place the Convention of the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee and full United States Senate with the goal of ratification by the United States.

EHB 1053: CONCERNING RAFFLE TICKET PRICES

Prime Sponsor: Representative Moeller

(SB 5124 Senator Pridemore)

**Signed by the Governor*

- Raises the maximum price of a raffle ticket from \$25 to \$100.

SHB 1055: REQUIRING WORKERS TO HAVE LICENSES, CERTIFICATES, OR PERMITS IN THEIR POSSESSION WHEN PERFORMING WORK IN CERTAIN CONSTRUCTION TRADES

Prime Sponsor: Representative Moeller

**Signed by the Governor*

- Requires persons doing electrical, plumbing, and conveyance work to have relevant licenses, certificates, permits, and endorsements in their possession.
- Requires persons doing such work to have photo identification in their possession.

HB 1171: CHANGING WASHINGTON BEER COMMISSION PROVISIONS

Prime Sponsor: Representative Sullivan

**HB 1171 was not enacted, but the provisions are substantially similar to those in SSB 5834.*

SHB 1215: MODIFYING MOTOR VEHICLE WARRANTY PROVISIONS

Prime Sponsor: Representative Wood

(SSB 5235 Senator Kohl-Welles)

**Signed by the Governor*

- Numerous changes are made to the Lemon Law including the bases for a claim, circumstances related to modifications of a vehicle by a dealer, the arbitration process, the sale of reacquired vehicles, and application of the Lemon Law to vehicles sold or leased to armed services personnel.
- In addition to the three existing bases for claims under the Lemon Law, an additional basis is added: two or more serious safety defects occurring within 12 months; for motor homes the two safety defects must be attributable to a single manufacturer.
- The warranty provisions are extended to motor vehicles purchased or leased by members of the armed forces regardless of whether the vehicle was purchased or leased in the state.

HB 1217: PROVIDING THE GAMBLING COMMISSION WITH AUTHORITY TO DETERMINE LOCATIONS WHERE AMUSEMENT GAMES MAY BE CONDUCTED

Prime Sponsor: Representative Simpson

(SB 5324 Senator Delvin)

**Signed by the Governor*

- Provides the Washington State Gambling Commission authority to issue amusement game licenses for locations that are in addition to those expressly authorized by the Gambling Act.

HB 1273: ALLOWING COUNTIES, CITIES, AND TOWNS TO CONDUCT RAFFLES UNDER CERTAIN TERMS AND CONDITIONS

Prime Sponsor: Representative Condotta

(SB 5645 Senator Parlette)

**Signed by the Governor*

- Allows a county, city, or town to conduct raffles as long as the net proceeds are used for community or tourism promotion activities.

SHB 1280: REGARDING EXPLOSIVES LICENSES

Prime Sponsor: Representative Condotta

**Signed by the Governor*

- Provides that the background check for an explosive license is every third year upon renewal rather than annually.

HB 1338: QUALIFYING FOR GOOD CAUSE FOR LATE FILING OF REPORTS, CONTRIBUTIONS, PENALTIES, OR INTEREST

Prime Sponsor: Representative Conway

(SB 5258 Senator Kohl-Welles)

**Signed by the Governor*

- The Employment Security Department (ESD) must waive the delinquent tax rate for employers when the unpaid contributions, interest, and penalties are less than \$100 or less than 0.5 percent of the employer's total taxes.
- ESD has the discretion to disregard delinquent reports, contributions, penalties, or interest if the employer acted in good faith and forfeiture of status as a "qualified employer" would be inequitable.

HB 1339: CORRECTING STATUTORY REFERENCES

Prime Sponsor: Representative Conway

(SB 5257 Senator Holmquist)

**Signed by the Governor*

- References in unemployment insurance statutes are corrected.

HB 1366: MAKING TECHNICAL CHANGES TO BOILER AND UNFIRED PRESSURE VESSEL STATUTES

Prime Sponsor: Representative Wood

(SB 5278 Senator King)

**Signed by the Governor*

- Modifies exemptions from regulation, standards for frequency of inspections, and bonding requirements for inspectors.

SHB 1402: RESTRICTING CONTACT WITH MEDICAL PROVIDERS AFTER APPEALS HAVE BEEN FILED UNDER INDUSTRIAL INSURANCE

Prime Sponsor: Representative Williams

(SB 5627 Senator McDermott)

**Signed by the Governor*

- Restrictions are placed on the ability of claimants, employers, and the Department of Labor and Industries to communicate with medical providers involved in workers compensation claims after appeals have been filed with the Board of Industrial Insurance Appeals.

SHB 1415: PROVIDING FOR THE SALES OF WINE AT THE LEGISLATIVE GIFT CENTER

Prime Sponsor: Representative Hasegawa

**Signed by the Governor*

- The Legislative Gift Center is allowed to sell wine produced in Washington to persons 21 years of age or older for off-premise consumption.

SHB 1435: MODIFYING LICENSING PROVISIONS FOR CIGARETTES AND TOBACCO PRODUCTS

Prime Sponsor: Representative Condotta

(SB 5366 Senator Holmquist)

**Signed by the Governor*

- Provides the Liquor Control Board with administrative authority to approve, deny, suspend, and revoke retail, wholesale, or distributor cigarette and tobacco products licenses.
- Requires that applicants for a tobacco retailer license undergo a criminal background check.

ESHB 1441: CONCERNING THE CONTRACTUAL RELATIONSHIPS BETWEEN DISTRIBUTORS AND PRODUCERS OF MALT BEVERAGES

Prime Sponsor: Representative Conway

(ESSB 5403 Senator Keiser)

**Signed by the Governor*

- When a malt beverage supplier acquires the right to manufacture or distribute a particular brand and elects to have the brand distributed by a new distributor, the successor distributor must compensate the former distributor for the fair market value of the distribution rights.

HB 1462: REGARDING MALT LIQUOR SOLD BY BEER AND/OR WINE SPECIALTY SHOPS

Prime Sponsor: Representative Williams

**HB 1462 was not enacted, but the provisions are substantially similar to those in SSB 5834.*

SHB 1518: REGARDING PROHIBITED PRACTICES IN ACCOUNTANCY

Prime Sponsor: Representative Conway

(SB 5434 Senator Marr)

**Vetoed by the Governor. The provisions of SHB1518 are included in SSB 5434.*

- ~~An accounting firm with an office in this state offering to perform attest or compilation services may not use the title Certified Public Accountant without a license.~~
- ~~This does not impact services permitted by unlicensed persons. (Vetoed in its entirety)~~

SHB 1555: ADDRESSING THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TASK FORCE ON THE UNDERGROUND ECONOMY IN THE CONSTRUCTION INDUSTRY

Prime Sponsor: Representative Conway

(SB 5614 Senator Kohl-Welles)

**Signed by the Governor*

- The term of the Underground Economy in the Construction Industry Task Force is extended to December 2009 and the focus is changed to include activities outside the construction industry.
- Recommendations of the task force are implemented. These recommendations include permitting local jurisdictions to verify that a contractor is registered before issuing a business license and establishing a penalty for employers who fail to keep unemployment insurance records.
- The Department of Labor & Industries, the Employment Security Department, and the Department of Revenue must annually report, using benchmarks established by the Washington Institute for Public Policy, on the effectiveness of the efforts implemented to combat the underground economy.

ESHB 1664: ADDRESSING THE TERMINATION, CANCELLATION, OR NONRENEWAL OF MOTORSPORTS MANUFACTURER AND DEALER FRANCHISE AGREEMENTS

Prime Sponsor: Representative Wood

**Signed by the Governor*

- A motorsports vehicle manufacturer must pay specified sums to the dealer upon the termination, cancellation, or nonrenewal of a franchise regardless of who initiated it.
- The manufacturer must pay the dealer the specified sums within 90 days if the dealer has clear title to the property or can provide clear title to the property upon payment by the manufacturer, and is in a position to convey that title to the manufacturer.
- Manufacturers are only required to repurchase motorsports vehicles that were acquired by the dealer in the ordinary course of business.

ESHB 1709: PROVIDING FEE AND INSTALLMENT PLAN ASSISTANCE FOR BORROWERS AT RISK OF DEFAULT ON SMALL LOANS

Prime Sponsor: Representative Nelson

(SSB 5920 Senator Franklin)

**Signed by the Governor*

- Changes are made to the small loan laws, also known as payday lending.
- Borrowers may only borrow up to 30 percent of their gross income, up to \$700, and are limited to eight loans per 12-month period. Payment plans are renamed installment plans and the borrower, depending on the total balance owed, may have up to 180 days to repay the loans.
- A database is established to track whether a borrower has a small loan, the number of small loans entered into, the borrower's eligibility for a small loan, and whether a borrower is in an installment plan. Personal information held by the database is not subject to public disclosure.
**SB 5862 is incorporated in part into ESHB 1709, as described below:*
- A borrower may only borrow up to \$700 at any time.
**SB 5750 is incorporated in part into ESHB 1709, as described below:*
- A borrower can request a payment (installment) plan at any time.
- The Department of Financial Institutions is to provide a report to the Legislature detailing how many borrowers have entered into installment plans and how many borrowers are in default.

SHB 1812: CONCERNING WINE LABELS

Prime Sponsor: Representative Newhouse

**Signed by the Governor*

- In order to use "Washington" as an appellation of origin on a wine label, or "Washington" and the name of an American Viticultural Area (AVA) wholly located within the state, at least 95 percent of the grapes used must have been grown in Washington.
- In order to use "Washington" and the name of an AVA located partially within Washington; at least 95 percent of the grapes used must have been grown in the AVA or in Washington.
- If a vineyard in any AVA, region, or other discrete area suffers material damage the Liquor Control Board may suspend the appellation of origin requirements with respect to the adversely affected area for a reasonable period of time.

ESHB 1906: IMPROVING ECONOMIC SECURITY THROUGH UNEMPLOYMENT COMPENSATION

Prime Sponsor: Representative Conway

**Signed by the Governor*

- Provides for a temporary increase in unemployment benefits by adding \$45 to an individual's weekly benefit amount. This additional benefit is not charged to the experience rating account of a contribution paying employer.
- Temporarily increases the minimum amount payable weekly to \$155.
- Eligibility for the training benefits program is expanded to include low-wage workers, military and National Guard personnel, and individuals who are disabled.
- Training benefits paid to an individual will not be charged to the experience rating account of a contribution paying employer.
- Eliminates restrictions in the shared program on the number of employees that must be enrolled and the number of weeks enrolled employees may receive benefits.

EHB 2040: CONCERNING THE WORK OF THE JOINT SELECT COMMITTEE ON BEER AND WINE REGULATION

Prime Sponsor: Representative Conway

(SB 6027 Senator Hewitt)

**Signed by the Governor*

- Implements several recommendations of the Joint Select Committee on Beer and Wine Regulation.
- The tied house law is repealed and new provisions are adopted. Generally, financial interests between industry members and retailers are permitted as long as the financial interest doesn't result in undue influence or have an adverse impact on public health and safety.
- Branded promotional items may be given to a retailer by a manufacturer or distributor of liquor.
- The mandatory minimum mark-up requirement is eliminated.

SHB 2042: CONCERNING THE INCENTIVE IN THE MOTION PICTURE COMPETITIVENESS PROGRAMS

Prime Sponsor: Representative Kenney

(SB 5876 Senator Kohl-Welles)

**Signed by the Governor*

- Increases the maximum funding assistance that can be provided to a motion picture production company per project from 20 percent to 30 percent of its total actual investment in the state, effective immediately.

ESHB 2049: CONCERNING PERSONNEL PRACTICES REGARDING EXEMPT EMPLOYMENT

Prime Sponsor: Representative Seaquist

(SSB 5939 Senator Hobbs)

**Signed by the Governor*

- The Director of the Department of Personnel must annually report to the Governor and Legislature on the number of classified, Washington Management Service, and exempt employees; the number of bonuses and performance-based incentives awarded to agency staff; and the cost of each bonus or incentive awarded.

SHB 2208: PROHIBITING NEW MOTORSPORTS VEHICLE DEALERS FROM HAVING TO PAY A FEE FOR CANCELING ORDERS OF NEW MOTORSPORTS VEHICLES

Prime Sponsor: Representative Hope

**Signed by the Governor*

- A motorsports vehicle manufacturer may not charge a motorsports dealer a fee for canceling an order.
- This provision expires on August 1, 2009.

NATURAL RESOURCES, OCEAN & RECREATION

786-7419

SB 5008: REGARDING HUNTING LICENSING REQUIREMENTS FOR MEMBERS OF THE MILITARY

Prime Sponsor: Senator Hewitt

**Signed by the Governor*

- Members of the United States military are exempt from the firearm skills portion of any course of instruction in hunter's education completed over the Internet.

SB 5071: DESIGNATING THE OLYMPIC MARMOT THE OFFICIAL ENDEMIC MAMMAL OF THE STATE OF WASHINGTON

Prime Sponsor: Senator Jacobsen

**Signed by the Governor*

- Designates the Olympic Marmot as the state endemic mammal.

SSB 5268: CREATING THE FISH AND WILDLIFE EQUIPMENT REVOLVING ACCOUNT

Prime Sponsor: Senator Swecker

(HB 1327 Representative Blake)

**Signed by the Governor*

- The Fish and Wildlife Equipment Revolving Account (account) is created. The Department of Fish and Wildlife (DFW) may use this non-appropriated account for the purchase, lease, operation, repair, and maintenance of its vehicles, vessels, and heavy equipment (collectively equipment).
- DFW must reimburse the account for all expenditures from the account, and may prorate reimbursements to the account over the useful life of the equipment purchased.

SSB 5272: REGARDING WILDLIFE INTERACTIONS

Prime Sponsor: Senator Hatfield

(HB 1626 Representative Kretz)

**SSB 5272 is incorporated in its entirety into SHB 1778.*

SB 5348: REMOVING REFERENCES TO MITIGATION BANKING PROJECT ELIGIBILITY FOR MONEYS IN THE HABITAT CONSERVATION ACCOUNT AND THE RIPARIAN PROTECTION ACCOUNT

Prime Sponsor: Senator Swecker

(HB 1846 Representative Jacks)

**Signed by the Governor*

- Mitigation banking is removed from the list of projects eligible for receiving funds from the Washington Wildlife and Recreation Grant Program.

SB 5356: REGARDING DIRECT RETAIL LICENSES ISSUED BY THE DEPARTMENT OF FISH AND WILDLIFE

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- An alternate operator who is designated on a commercial fishing license for retail eligible species may purchase a direct retail endorsement. Currently, only a license holder may purchase a direct retail endorsement.
- A single direct retail endorsement allows the alternate operator to sell retail eligible species directly to consumers under any of the licenses on which the alternate operator is designated. Retail eligible species include salmon, crab, and sturgeon.

SSB 5401: EXPANDING THE RIPARIAN OPEN SPACE PROGRAM TO INCLUDE LANDS THAT CONTAIN CRITICAL HABITAT OF THREATENED OR ENDANGERED SPECIES

Prime Sponsor: Senator Morton

(2SHB 1484 Representative Van De Wege)

**Signed by the Governor*

- The Forest Practice Board (Board) must establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species.
- Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the Board.
- Acquisition must be by conservation easement.

ESSB 5421: CREATING THE COLUMBIA RIVER RECREATIONAL SALMON AND STEELHEAD PILOT STAMP PROGRAM

Prime Sponsor: Senator Parlette

**Signed by the Governor*

- The Department of Fish and Wildlife (DFW) must create the Columbia River Recreational Salmon and Steelhead Pilot Stamp Program (Program). The stated purpose of the Program is to supplement the resources available to DFW to provide recreational salmon and steelhead fishing opportunities on the Columbia River and its tributaries.
- The Program is primarily funded from a \$7.50 stamp or endorsement required for persons fishing recreationally for salmon and steelhead on the Columbia River and its tributaries. A person must obtain a stamp or endorsement in addition to a fishing license.
- DFW must administer the Program in consultation with an advisory body representing the geographic areas and established recreational fishing organizations of the Columbia River.

SB 5562: CONCERNING FORESTRY OPERATIONS

Prime Sponsor: Senator Morton

**Signed by the Governor*

**HB 1483 was not enacted, but the provisions are similar as described below.*

- Clarifies that the act of owning land upon which trees are growing is a forest practice that is protected from nuisance lawsuits.

SB 5602: CONCERNING THE CONSERVATION OF FOREST LANDS

Prime Sponsor: Senator Regala

(HB 1570 Representative Liias)

**SB 5602 is incorporated in its entirety into 2SHB 1484.*

SB 6070: REGARDING DISPOSAL OF DREDGED RIVERBED MATERIALS

Prime Sponsor: Senator Hatfield

**Signed by the Governor*

- A landowner may dispose of dredge spoils or materials from specified rivers without being charged royalty fees by the Department of Natural Resources (DNR) if the materials were deposited on their lands before January 1, 2009.
- After January 1, 2009, and before December 31, 2017, a landowner may dispose of dredge spoils or materials from specified rivers without being charged royalty fees if the land was not used as a source for commercially sold materials prior to January 1, 2009.
- Prior to removing and selling the dredge materials, the landowner must notify DNR as to the type and amount of material to be sold or used.
- DNR must biennially report to the Legislature a summary of the notifications and a determination of the amount of possible lost revenue.

SJM 8001: REQUESTING THE UNITED STATES FISH AND WILDLIFE SERVICE TO WORK COOPERATIVELY WITH THE STATE'S REGULATORY AGENCIES AND ENERGY PRODUCERS WITH RESPECT TO THE FEDERAL ENDANGERED SPECIES ACT

Prime Sponsor: Senator Hatfield

- The Legislature requests that the United States Fish and Wildlife Service work cooperatively with state regulatory agencies and energy producers to allow the continued development of Washington's wind and other alternative energy resources while at the same time protecting threatened and endangered wildlife.

SHB 1038: REGARDING SPECIALIZED FOREST PRODUCTS

Prime Sponsor: Representative Orcutt

(SB 5169 Senator Hargrove)

**Signed by the Governor*

- The Specialized Forest Practices (SFP) Work Group recommended this legislation.
- A dual SFP permitting system is created.
- The enforcement of SFP violations is streamlined and clarified.
- The SFP Outreach and Education Account is created to receive one-third of any money collected from fines issued for SFP violations.

HB 1063: REMOVING THE TERMINATION DATE FOR THE SALMON AND STEELHEAD RECOVERY PROGRAM UNDER RCW 77.85.20

Prime Sponsor: Representative Takko

**Signed by the Governor*

- The expiration date for the statutory authorization for the Lower Columbia Fish Recovery Board (LCFRB) is removed, making the LCFRB permanent. The LCFRB serves as the regional recovery organization responsible for salmon and steelhead recovery plan development and implementation for the Lower Columbia River; a salmon recovery lead entity responsible for soliciting, developing, prioritizing, and submitting habitat protection and restoration projects for funding to the Salmon Recovery Funding Board; and a lead agency for purposes of watershed planning for four water resource inventory areas.

ESHB 1326: ESTABLISHING A LICENSE LIMITATION PROGRAM FOR HARVEST AND DELIVERY OF PACIFIC SARDINES INTO THE STATE

Prime Sponsor: Representative Blake

(SB 5269 Senator Jacobsen)

**Signed by the Governor*

- Washington sardine purse seine fishery licenses and temporary annual fishery permits are created. A permit or temporary license is generally required to use purse seine gear to fish commercially for Pacific sardines in offshore waters and to deliver sardines into the state.
- Standards are provided for the administration of the commercial Pacific sardine fishery, including provisions for limited entry into the fishery and minimization of bycatch.

HB 1437: AUTHORIZING A VOLUNTEER CHAPLAIN FOR THE DEPARTMENT OF FISH AND WILDLIFE

Prime Sponsor: Representative Dammeier

**Signed by the Governor*

- The Department of Fish and Wildlife is authorized to use the services of a volunteer chaplain.

HB 1483: CONCERNING FORESTRY OPERATIONS

Prime Sponsor: Representative Jacks

**HB 1483 was not enacted, but the provisions are substantially similar to those in SB 5562.*

2SHB 1484: REGARDING HABITAT OPEN SPACES

Prime Sponsor: Representative Van De Wege

(SSB 5401 Senator Morton)

**Signed by the Governor/partial veto*

- ~~The Riparian Open Space Program is expanded to include the acquisition of forest lands containing critical habitat for threatened or endangered species.~~ (PV)
**SB 5602 is incorporated in its entirety into 2SHB 1484, as described below:*
- An exemption for payment of back taxes on designated forest land that is sold or transferred for the purpose of conserving open space land is extended from counties with populations greater than one million to counties with populations greater than 600,000.
**SHB 1595 is incorporated in its entirety into 2SHB 1484, as described below:*
- The Department of Natural Resources (DNR) is authorized to transfer lands to another public agency without an auction if the lands are located in a county with a population of 25,000 or less and if the lands are encumbered with timber harvest deferrals longer than 30 years.
- By October 31, 2010, DNR is required to report to the Legislature its recommended procedures and timelines, along with estimated costs of conducting transfers from the qualifying counties.

ESHB 1516: REGARDING THE RECOVERY OF GEAR USED IN THE COASTAL DUNGENESS CRAB FISHERY

Prime Sponsor: Representative Blake

**Signed by the Governor*

- The Department of Fish and Wildlife may issue crab pot removal permits (removal permits) authorizing a participant in the coastal Dungeness crab fishery to remove crab pots remaining in coastal waters 15 or more days after the close of a harvest season.
- A removal permit holder who removes crab pots consistent with permit requirements takes the crab pots free and clear of other ownership claims.
- A person who violates the provisions of a removal permit or a related rule is subject to a misdemeanor.

SHB 1595: REGARDING THE TRANSFER OF CERTAIN STATE FOREST LANDS

Prime Sponsor: Representative Blake

**SHB 1595 is incorporated in its entirety into 2SHB 1484.*

SHB 1778: MODIFYING VARIOUS PROVISIONS OF TITLE 77 RCW

Prime Sponsor: Representative Blake

(SB 5404 Senator Jacobsen)

**Signed by the Governor/partial veto*

- Various technical and substantive changes are made to Title 77, the fish and wildlife statutes, including changes to enforcement, licensing, Department of Fish and Wildlife (DFW) fees, and wildlife management.
- Enforcement changes include allowing DFW to dispose of unclaimed property; allowing DFW to suspend a person's master hunter permit for certain reasons; adding additional prongs to the definition of "conviction" as used in Title 77; and requiring a person entering Washington while transporting watercraft to have in their possession documentation that the watercraft has been inspected and found free of aquatic invasive species.
- Licensing changes include increasing the number of raffles for turkey and big game hunting from 15 to 30; allowing the use of two fishing poles per fishing license holder for use on selected state waters; changing the name, scope, and jurisdiction of salmon guide licenses; and establishing a western Washington pheasant license.
- For the 2009-2010 biennium, DFW may charge a transaction fee of no greater than 10 percent for recreational licenses, permits, tags, stamps, or raffles.
**SB 5272 is incorporated in its entirety into SHB 1778, as described below:*
- ~~Intent section regarding wildlife damage.~~ (PV)
- DFW may distribute money to reimburse the owner of commercial livestock for livestock killed or injured by predatory wildlife, including bears, wolves, and cougars, if the owners meet certain criteria.

2SHB 1951: REGARDING THE OPERATION AND MANAGEMENT OF SALMONID HATCHERIES

Prime Sponsor: Representative Finn

**Signed by the Governor*

- The Department of Fish and Wildlife (DFW) must establish a partnership program for the continued operation of state-owned hatcheries currently closed or scheduled for closure during the 2009-2011 biennium.
- DFW must develop and apply criteria in order to identify appropriate partners. The criteria must attempt to ensure that the partner has a business plan to facilitate the long-term viability of the partnership.
- Various requirements are set regarding partnership agreements including a requirement that agreements include a clause holding the state harmless for a partner's activities and that partners conducting hatchery operations maintain staff with qualifications comparable to DFW hatchery staff.

SHB 1957: IDENTIFYING QUALIFIED APPLICANTS AND PROCEDURES WITHIN THE WASHINGTON WILDLIFE AND RECREATION PROGRAM

Prime Sponsor: Representative Jacks

(SSB 5843 Senator Pridemore)

**Signed by the Governor*

- Mitigation banking projects are removed from the list of allowable uses of Washington Wildlife and Recreation Program (WWRP) funds in the Habitat Conservation Account and the Riparian Protection Account.
- Nonprofit nature conservancy organizations and associations are added to the list of eligible recipients of WWRP funding.
- The Conservation Commission is added to the list of eligible recipients of WWRP funding from the Riparian Protection Account and the Farmlands Preservation Account.
- The Recreation and Conservation Office must evaluate different land preservation mechanisms and report to the Legislature by January 1, 2010.

SHB 2157: CONSOLIDATING CERTAIN SALMON RECOVERY ACTIVITIES AND PROGRAMS WITHIN THE RECREATION AND CONSERVATION OFFICE

Prime Sponsor: Representative Springer

(SB 6004 Senator Ranker)

**Signed by the Governor*

- Several programs and functions relating to salmon recovery are consolidated within the Recreation and Conservation Office (RCO), including the administration of the Governor's Salmon Recovery Office.
- In place of several current reporting requirements, the RCO must produce a biennial consolidated report on salmon recovery and watershed health. The consolidated report must include information on the statewide status of salmon recovery and watershed health, a summary of projects funded by the Salmon Recovery Funding Board, and progress for monitoring salmon recovery and watershed health.
- By December 1, 2009, the RCO, in cooperation with specified partners, must assess additional coordination and incentive opportunities between participants in salmon recovery and watershed planning activities within a watershed.

HB 2165: AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO CONDUCT A FOREST BIOMASS ENERGY DEMONSTRATION PROJECT

Prime Sponsor: Representative Van De Wege

(SB 5979 Senator Hargrove)

**Signed by the Governor*

- The Department of Natural Resources is authorized to conduct two forest biomass energy demonstration projects, one east and one west of the Cascades.

HB 2199: PROVIDING REGULATORY RELIEF FOR PROPERTIES IMPACTED BY SHIFTS IN SHORELINE LOCATION DUE TO HABITAT RESTORATION PROJECTS

Prime Sponsor: Representative Newhouse

**Signed by the Governor*

- A local government may grant relief from shoreline master program standards and use regulations adopted under the Shoreline Management Act that apply within an Urban Growth Area (UGA) if specific requirements are met.
- A local government may grant relief only if the proposed relief is the minimum necessary to relieve the hardship; the restoration project will result in a net environmental benefit; and the granting of proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the master program.
- Local governments may not grant relief from master program standards for shoreline restoration projects that are mitigation measures required of a project proponent in order to obtain a development permit.
- A substantial development permit is not required on land within a UGA that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

TRANSPORTATION

786-7300

SB 5028: TRANSFERRING JURISDICTIONAL ROUTE TRANSFER RESPONSIBILITIES FROM THE TRANSPORTATION IMPROVEMENT BOARD TO THE TRANSPORTATION COMMISSION

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- The responsibility for reviewing route jurisdiction transfer requests is reassigned from the Transportation Improvement Board to the Washington State Transportation Commission.

SB 5180: PERMITTING PUBLIC TRANSIT VEHICLE STOPS AT UNMARKED STOP ZONES UNDER CERTAIN CIRCUMSTANCES

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- Permits bus drivers in rural areas to stop on the roadway to receive and discharge passengers at unmarked stops if the driver (1) stops the vehicle in a safe and practicable position; (2) activates four way flashing lights; and (3) stops at a portion of the roadway with an unobstructed view for other drivers.

ESSB 5228: REGARDING CONSTRUCTION PROJECTS BY COUNTY FORCES

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- Modifies the calculation used by counties in determining how much county road construction work may be done by county employees.

SB 5289: ADDING A CERTAIN FERRY ROUTE AND ROADS TO THE SCENIC AND RECREATIONAL HIGHWAY SYSTEM

Prime Sponsor: Senator Ranker

**Signed by the Governor*

- The Washington State Ferries Anacortes/San Juan Islands route and all other state ferry routes are designated as state scenic byways.

ESSB 5352: MAKING 2009-11 TRANSPORTATION APPROPRIATIONS

Prime Sponsor: Senator Haugen

(HB 1314 Representative Clibborn)

**Signed by the Governor/partial veto*

- Appropriations are made for state transportation agencies and programs for the 2009-11 fiscal biennium.
- *The Governor vetoed five items to the 2009-11 transportation appropriations. (PV)*

SB 5394: REQUIRING A STATE ROUTE NUMBER 2 ROUTE DEVELOPMENT PLAN

Prime Sponsor: Senator Berkey

**SB 5394 is incorporated into the transportation budget as a proviso.*

- Provides \$400,000 for the Washington State Department of Transportation to conduct a route development plan between the Port of Everett and the State Route 9 interchange near the city of Snohomish.

SSB 5440: CONCERNING THE NAMING OR RENAMING OF STATE FERRIES

Prime Sponsor: Senator Sheldon

(HB 1447 Representative Hurst)

**SSB 5440 is incorporated in part into the transportation budget as a proviso.*

- When naming or renaming Washington State Ferries vessels, the Transportation Commission must investigate selling the naming rights and make recommendations to the Legislature regarding this option.

SSB 5469: MODIFYING LIMITATIONS ON THE USE OF INTERMEDIATE LICENSES

Prime Sponsor: Senator Parlette

**Signed by the Governor*

- Being in an accident is no longer grounds for denying lifting intermediate license restrictions if there is another party to the accident and the other party was cited in connection with the accident.

SB 5482: MODIFYING PROVISIONS GOVERNING TWO-WHEELED AND THREE-WHEELED VEHICLES

Prime Sponsor: Senator Haugen

(HB 1721 Representative Springer)

**Signed by the Governor*

- The state definition of motorcycle is amended to conform with the federal definition for motorcycle, and includes certain vehicles that have a saddle or steering wheel. A person holding a valid driver's license does not need a motorcycle endorsement to operate a motorcycle that has a partially or completely enclosed seat, and is equipped with safety belts and a steering wheel.
- An operator of an enclosed three-wheel vehicle with a steering wheel and bucket seat that meets the definition of motorcycle must: (1) register the vehicle as a motorcycle; (2) wear a seat belt and helmet – unless the manufacturer has certified compliance with federal standards for roof crush resistance; and (3) not transport children under the age of five.
- Moped and motorized foot scooter definitions are conformed to federal definitions.
- Jurisdictions with vehicle-activated control signals are required to create a procedure for recording detection issues with signals and establish a procedure to prioritize and repair the signals with detection issues.

SB 5496: EXTENDING THE TIME PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT FOR A RAIL LINE OVER THE MILWAUKEE ROAD CORRIDOR

Prime Sponsor: Senator Becker

**SB 5496 was not enacted, but the provisions are substantially similar to those in HB 1717.*

SSB 5499: CONCERNING BOND AMOUNTS FOR DEPARTMENT OF TRANSPORTATION HIGHWAY CONTRACTS

Prime Sponsor: Senator Jarrett

(HB 1533 Representative Clibborn)

**Signed by the Governor/partial veto*

- Authorizes the Washington State Department of Transportation (WSDOT) to allow contractors to provide surety bonds at less than 100 percent of the price of contracts exceeding \$250 million.
- If surety bonds at less than the full contract price are authorized, the Office of Financial Management must approve the analysis done by WSDOT to ensure that 100 percent of the state exposure to loss is protected.
- ~~If surety bonds at less than the full contract price are proposed by WSDOT, the Governor, in consultation with OFM and the Secretary of WSDOT, must approve the contract. (PV)~~

SSB 5509: CLARIFYING RENTAL CAR COMPANY CHARGES, SURCHARGES, AND FEES TO BE INCLUDED IN RENTAL CAR AGREEMENTS

Prime Sponsor: Senator Marr

(HB 1779 Representative Appleton)

**Signed by the Governor*

- Rental car companies may include separately stated surcharges or fees in their rental agreements.

**SHB 2198 is incorporated in part into SSB 5509, as described below:*

- Rental car businesses may include a child restraint system rental fee as a separately stated charge in a rental transaction.
- Rental car customers who reserve a child restraint system are allowed to cancel the reservation for the vehicle without penalty and receive a full refund if the child restraint system is not provided in a timely manner.

ESSB 5513: CONCERNING LAW ENFORCEMENT AUTHORITY THAT RELATES TO CIVIL INFRACTIONS AND UNLAWFUL TRANSIT CONDUCT

Prime Sponsor: Senator Jarrett

**Signed by the Governor*

- The statute pertaining to unlawful bus conduct is changed to a statute pertaining to unlawful transit conduct in a transit vehicle or at a transit passenger waiting area. In addition, the types of conduct that are unlawful are expanded.
- Regional transit authorities (RTAs), such as Sound Transit, are authorized to issue civil infractions to enforce payment of fares at passenger waiting areas, such as train platforms
- An attorney representing a transit agency authorized to issue civil infractions may appear in court proceedings for civil infractions.

SB 5540: ESTABLISHING HIGH CAPACITY TRANSPORTATION CORRIDOR AREAS

Prime Sponsor: Senator Pridemore

(HB 1677 Representative Moeller)

**Signed by the Governor*

- Allows transit districts within certain border counties to establish High Capacity Transportation Corridor Areas (HCTCAs) within the district's boundaries for the purpose of financing and providing high capacity transportation service.
- Provides that HCTCAs may submit certain taxes to voters for approval in order to finance the service; however, an HCTCA may not submit a measure to voters until July 1, 2012.

SSB 5556: CONCERNING TOLL ENFORCEMENT FOR INFRACTIONS DETECTED THROUGH THE USE OF A PHOTO ENFORCEMENT SYSTEM

Prime Sponsor: Senator Kilmer

(HB 2192 Representative Seaquist)

**Signed by the Governor*

- Any reduction in an infraction must be made to the infraction penalty only. The toll penalty may not be reduced.
- If the driver is found to have not committed an infraction, the driver must pay the toll due at the time the photograph was taken.
- Requires the Washington State Department of Transportation to report to the Legislature by December 1, 2009, with recommendations for implementing a time period allowing for the payment of tolls on the Tacoma Narrows Bridge prior to the issuance of an infraction.

ESB 5581: MODIFYING PROVISIONS RELATING TO SUNSCREENING DEVICES

Prime Sponsor: Senator Delvin

(HB 2080 Representative Driscoll)

**Signed by the Governor*

- Vehicle window tinting standards are simplified, and references to window tinting standards established by the Washington State Patrol are changed to refer to federal standards.
- Certificates, decals, and recreational products may only be applied to vehicle windows in a manner that does not impair a driver's ability to see.
- A "collector vehicle" is defined as any vehicle more than 30 years old, and is added to the list of vehicles that may have window tinting that is darker than otherwise allowable applied to the windows behind the driver.

SSB 5610: AUTHORIZING THE RELEASE OF DRIVING RECORD ABSTRACTS FOR EMPLOYMENT PURPOSES

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- The list of those who may receive drivers records abstracts is expanded to include an employer, or prospective employer, or volunteer organization or an agent acting on their behalf, for employment purposes where driving is a condition of the employment of the individual named in the abstract or will be engaged in by the named individual at the direction of the employer or organization.

SB 5642: DESIGNATING STATE ROUTE NUMBER 164 AS A HIGHWAY OF STATEWIDE SIGNIFICANCE

Prime Sponsor: Senator Kauffman

(HB 1037 Representatives Hurst)

**Signed by the Governor*

- State Route 164, which runs from Enumclaw to Auburn, is designated a highway of statewide significance.

SSB 5684: ADDRESSING ENVIRONMENTAL MITIGATION IN HIGHWAY CONSTRUCTION

Prime Sponsor: Senator Haugen

**Signed by the Governor*

**SSB 5684 is also incorporated into the transportation budget as a proviso.*

- If the Washington State Department of Transportation (WSDOT) considers using agricultural land of long-term commercial significance in the wetland mitigation of a highway project, they must first consider using public land.
- If no public land is available, WSDOT must make every effort to avoid a net loss of agricultural land of long-term commercial significance.

SB 5695: AUTHORIZING THE WASHINGTON STATE PATROL TO ACCEPT DONATIONS

Prime Sponsor: Senator Oemig

(HB 2024 Representative Orwall)

**Signed by the Governor*

- The Washington State Patrol may accept donations of money or property for the purpose of fulfilling its mission.

SB 5712: ADDING SPEED VIOLATIONS ON CERTAIN ARTERIAL STREETS TO THE TRAFFIC SAFETY CAMERAL LAW

Prime Sponsor: Senator Jacobsen

**SB 5712 is incorporated into the transportation budget as a proviso.*

- The Traffic Safety Commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade Mountains that have a population over 200,000.
- No more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

SSB 5719: MODIFYING TITLE AND REGISTRATION REQUIREMENTS FOR KIT VEHICLES

Prime Sponsor: Senator Swecker

**Signed by the Governor*

- A definition of "kit vehicle" is added, together with a list of the components that must be present in order for the vehicle to pass a pre-registration inspection. The series and body designations for a kit vehicle must describe a discrete vehicle, but need not identify the vehicle as a replica of another vehicle. The Department of

Licensing (DOL) must use the model year of a manufactured new vehicle kit and manufactured body kit as the year reflected on the manufacturer's certificate of origin.

- Kit vehicles must comply with the equipment standards established by the Washington State Patrol; however, a kit vehicle is exempt from the welding requirements specified in administrative code if the owner provides documentation from the manufacturer that informs the owner that the welding on the frame was not completed by a certified welder and that the structural strength of the frame has not been certified by an engineer.
- DOL must issue a registration and a vehicle license to an applicant who completes the applications, complies with the statute governing kit vehicles, and pays the requisite titling fees and taxes.

ESSB 5768: CONCERNING THE STATE ROUTE NUMBER 99 ALASKAN WAY VIADUCT REPLACEMENT PROJECT

Prime Sponsor: Senator Murray

**Signed by the Governor*

- Provides that the Alaskan Way Viaduct must be replaced with a deep bore tunnel to include four general purpose lanes in a stacked formation.
- Requires the project finance plan to include state funding not to exceed \$2.4B and no more than \$400M in toll revenue.
- Requires state funding to be used solely for building the tunnel and removing the existing viaduct structure.

SSB 5795: MODIFYING THE USE OF FUNDS FROM THE TACOMA NARROWS TOLL BRIDGE ACCOUNT

Prime Sponsor: Senator Kilmer

(HB 2191 Representative Seaquist)

**Signed by the Governor*

- The Tacoma Narrows Toll Bridge Account may only be used to pay required costs that contribute directly to the financing, operation, maintenance, management, and repair of the facility.
- The account may not be used for expenditures that do not contribute directly to the financing, operation, maintenance, management, and emergency repairs of the facility.
- The Transportation Commission determines by rule what is an authorized expense and what is an unauthorized expense.
- The Washington State Department of Transportation provides quarterly expenditure reports to the public on the department's website, using current resources.

SB 5815: ADDRESSING MOTOR CARRIER COMPLIANCE REVIEW

Prime Sponsor: Senator Jarrett

(HB 1574 Representative Kagi)

**SB 5815 and its companion bill, HB 1574, are incorporated in their entirety into SHB 1843.*

ESB 5894: AUTHORIZING THE UTILITIES AND TRANSPORTATION COMMISSION TO FORBEAR FROM RATE AND SERVICE REGULATION OF CERTAIN TRANSPORTATION SERVICES

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- The Utilities and Transportation Commission (UTC) may exempt certain recreational auto transportation or commercial ferry services from the rate and service regulation. The rate and service regulations applicable to auto transportation companies do not apply to a transportation service if UTC finds that the service is pursuant to a contract with a state agency or a grant issued by the Department of Transportation.
- Within existing resources, the UTC will study the appropriateness of rate and service regulation of commercial ferries operating on Lake Chelan.

SB 5976: EXTENDING TIRE REPLACEMENT FEES

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- The sunset date on the imposition of the \$1 fee on the retail sale of each new replacement tire is eliminated.
- Use of the fee is expanded to include road-wear related maintenance on state and local public highways.
- A biennial report to the Legislature on the state of waste tire pile cleanup and prevention efforts is required.

SB 6012: INCREASING THE MAXIMUM AMOUNT OF FINANCIAL ASSISTANCE THAT MAY BE GRANTED OR LOANED BY THE DEPARTMENT OF TRANSPORTATION TO AIRPORTS

Prime Sponsor: Senator Sheldon

**SB 6012 is incorporated in its entirety into ESSB 5352 (transportation budget).*

- The maximum amount the Department of Transportation Aviation may grant or loan to an airport per project is increased from \$250,000 to \$500,000.

SB 6109: CONCERNING FERRIES

Prime Sponsor: Senator Haugen

**SB 6109 is incorporated in part into ESSB 5352(transportation budget).*

- Washington State Ferries (WSF) is exempt from the requirement to use 20 percent biodiesel for its ferry vessels during the 2009-11 biennium. If the cost difference between B5 biodiesel is 5 percent or less than regular diesel, then WSF must use a minimum of 5 percent biodiesel for its ferry vessels during the 2009-11 biennium.

SB 6068: MODIFYING THE DEFINITION OF "CONVICTION" FOR THE PURPOSES OF THE UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

Prime Sponsor: Senator Swecker

**Signed by the Governor*

- Entry into a deferred prosecution program is treated as a conviction for Commercial Drivers License purposes.

SSB 6088: ADDRESSING COMMUTE TRIP REDUCTION FOR STATE AGENCIES

Prime Sponsor: Senator Fraser

**Signed by the Governor*

- The responsibilities for coordination of state agency commute trip reduction programs are moved from the Depart of General Administration to the Department of Transportation.
- The Department of Transportation must develop a comprehensive commute trip reduction plan for all state agencies in the Olympia, Lacey, and Tumwater urban growth areas.
- Each state agency within the Olympia, Tumwater, and Lacey urban growth areas must develop a commute trip reduction program that is consistent with the plan.

SSB 6095: CLARIFYING THAT RETIREMENT COSTS CONTINUE TO BE AUTHORIZED AS A CHARGE INCLUDED IN THE PUGET SOUND PILOTAGE DISTRICT TARIFF

Prime Sponsor: Senator Haugen

**Signed by the Governor*

- Permits the Board of Pilotage Commissioners to fix a charge in the Puget Sound pilotage district tariff that covers certain retirement costs.

SJM 8006: REQUESTING THAT STATE ROUTE NUMBER 502 BE NAMED THE "BATTLE GROUND HIGHWAY" AND THAT A PORTION OF STATE ROUTE NUMBER 503 BE NAMED THE "LEWISVILLE HIGHWAY"

Prime Sponsor: Senator Zarelli

- Requests that the Transportation Commission rename SR 502 the "Battle Ground Highway" and a portion of SR 503 the "Lewisville Highway."

HB 1000: EXTENDING STATE ROUTE NUMBER 397 TO INTERSTATE 82

Prime Sponsor: Representative Haler

(SB 5234 Senator Delvin)

**Signed by the Governor*

- State Route 397 is extended to include the 11-mile road currently known as the "Interstate 82 to State Route 397 intertie."
- Jurisdiction of this road is transferred from Benton County to the state.

2SHB 1081: AUTHORIZING LOCAL IMPROVEMENT DISTRICT FINANCING OF RAILROAD CROSSING PROTECTION DEVICES

Prime Sponsor: Representative Wallace

**Signed by the Governor*

- Authorizes Local Improvement Districts to finance railroad crossing protection devices.

SHB 1225: CLARIFYING THE EFFECT OF SPECIAL FUEL TAXES ON PUBLICLY OWNED OR OPERATED URBAN PASSENGER TRANSPORTATION SYSTEMS

Prime Sponsor: Representative Liias

**Signed by the Governor*

- Publicly owned and operated urban transportation systems (transit agencies) are exempt from the special fuel tax for all trips, including those that extend 25 miles beyond the county in which the trip originated.
- Privately owned urban transportation systems remain subject to the 25 mile limitation, as under current law.

HB 1433: ADDRESSING LIABILITY FOR DAMAGES TO STATE PROPERTY RESULTING FROM THE ILLEGAL OPERATION OF A VEHICLE

Prime Sponsor: Representative Liias

(SB 5365 Senator Marr)

**Signed by the Governor*

- All other state property and incident response costs are added to the list of items for which the Department of Transportation can seek to recover damages caused by the operation of a vehicle or the movement of an object or conveyance in an illegal or negligent manner on a public highway.

ESHB 1445: PROVIDING BENEFITS TO DOMESTIC PARTNERS UNDER THE WASHINGTON STATE PATROL RETIREMENT SYSTEM

Prime Sponsor: Representative Simpson

(SB 5439 Senator Haugen)

**Signed by the Governor*

- Domestic partners are eligible for survivor and death benefits under the same circumstances as spouses from the Washington State Patrol Retirement System (WSPRS).
- Domestic partners, as well as spouses and children, may apply for service credit for the period between the date that the member left service and the date of death where a member of WSPRS that left state employment died while serving in the Uniformed Services of the United States.
- Domestic partners of WSPRS members are added to the list of survivors who are eligible to purchase health care benefits from the Public Employees Benefit Board (PEBB), and receive reimbursement for the cost of participating in a PEBB health insurance plan.

HB 1448: GRANTING TRIBAL AUTHORITIES LIMITED CONTROL OVER SPEED LIMITS ON NONLIMITED ACCESS STATE HIGHWAYS WITHIN TRIBAL RESERVATION BOUNDARIES

Prime Sponsor: Representative Hurst

(SSB 5331 Senator Kauffman)

**Signed by the Governor*

- Tribal authorities may adjust the maximum speed on certain state highways within reservation boundaries. Tribal authorities may decrease the speed limit at intersections, increase the limit to not more than 60 miles per hour, or decrease the limit to not less than 20 miles per hour.
- Any alteration by tribal authorities of a speed limit on a state highway within reservation boundaries is not effective until approved by the Washington State Department of Transportation and speed limit signs are posted. In the case of a city or town street, or county road, any alteration by tribal authorities is not effective until also approved by the applicable local authorities.

HB 1478: ADDRESSING VEHICLE REGISTRATIONS FOR DEPLOYED MILITARY PERSONNEL

Prime Sponsor: Representative Orcutt

**Signed by the Governor*

- Deployed military are able to renew their vehicle registrations and have the registration year start on the date that the expired license is renewed so that the renewed license will be useful for an entire 12-month period.

2SHB 1481: REGARDING ELECTRIC VEHICLES

Prime Sponsor: Representative Eddy

(SB 5418 Senator Jarrett)

**Signed by the Governor*

- By July 1, 2010, local jurisdictions' development regulations must allow electric vehicle infrastructure as a use in areas from Snohomish to Thurston County within one mile along Interstate 5 and King County adjacent to State Route 520 and Interstate 90. If federal funding for public investment in electric vehicles and electric vehicle infrastructure is not provided by February 1, 2010, this requirement is null and void.
- By July 1, 2011, or six months after the Department of Community, Trade and Economic Development distributes model ordinances, development regulations, and guidance for local governments to site and install electric vehicle infrastructure, local jurisdictions' development regulations must allow electric vehicle infrastructure as a use in areas from Snohomish to Thurston County along Interstate 5 and King County along State Route 520 and Interstate 90, and must allow battery charging stations except those zoned as residential, resource and critical areas.
- The Department of Transportation may enter into public-private partnership agreements for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project.
- The state must install electrical outlets for charging electric vehicles, as practical, at state-operated highway rest stops and in the state's fleet parking and maintenance facilities.
- All state agencies must achieve 40 percent fuel usage for operating publicly owned vessels, vehicles and construction equipment from electricity or biofuel by June 1, 2013.
- Certain tax exemptions are provided for electric vehicle infrastructure and batteries for electric vehicles.

ESHB 1512: AUTHORIZING THE FUNDING OF RAIL FREIGHT SERVICE THROUGH GRANTS

Prime Sponsor: Representative Haler

**Signed by the Governor*

- Privately- or publicly-owned railroads are added to the list of eligible recipients of funds in the Essential Rail Assistance Account.
- Certain conditions, including contractual consideration with defined public benefits that are greater than the grant amount, must be met if funds in the Essential Rail Assistance Account are granted to a private entity.

HB 1536: CONCERNING PERMITS FOR AND ADVERTISING BY HOUSEHOLD GOODS CARRIERS

Prime Sponsor: Representative Clibborn

(SB 5450 Senator Haugen)

**Signed by the Governor*

- The definition of household goods carrier is expanded to include carriers who advertise, solicit, offer, or enter into agreements to transport household goods for compensation.
- Engaging in, or attempting to engage in, the business of transporting household goods without a permit is punishable by a \$5,000 fine, and violating a cease and desist order from the Utilities and Transportation Commission is punishable by a \$10,000 fine.
- Household goods carriers must provide a physical address and telephone number in all advertising and correspondence.

HB 1574: ADDRESSING MOTOR CARRIER COMPLIANCE REVIEW

Prime Sponsor: Representative Kagi

(SB 5815 Senator Jarrett)

**HB 1574 and its companion bill, SB 5815, are incorporated in their entirety into SHB 1843.*

HB 1717: CONCERNING A RAIL LINE OVER THE MILWAUKEE ROAD CORRIDOR

Prime Sponsor: Representative Clibborn

**Signed by the Governor*

- The segment of Milwaukee Road corridor between Lind and Marengo is transferred to the Department of Transportation (DOT).
**SB 5496 was not enacted, but the provisions are similar as described below:*
- The deadline for DOT to enter into a franchise agreement for rail service between Ellensburg to Marengo along the old Milwaukee Road corridor is extended by ten years. If an agreement is not entered into by July 1, 2019, each segment of the transportation corridor will revert to its prior ownership and management by DOT, the State Parks and Recreation Commission, and the Department of Natural Resources.

SHB 1793: ADDRESSING ALTERNATIVE STUDENT TRANSPORTATION

Prime Sponsor: Representative Williams

(SB 5743 Senator Jarrett)

**Signed by the Governor*

- Codifies the Safe Routes to Schools Program within the Washington State Department of Transportation.

SHB 1843: ADDRESSING MOTOR CARRIER REGULATION AND COMPLIANCE REVIEW

Prime Sponsor: Representative Kagi

**Signed by the Governor*

- Certain companies that are regulated by the Utilities and Transportation Commission (UTC) must apply for a United States Department of Transportation number by January 1, 2010. Certain motor carrier regulations enacted in 2007 will apply to the entities regulated by the UTC.
- Only carriers subject to highway inspections and compliance reviews by the Washington State Patrol (WSP) must pay the current statutory fee of \$16 for each motor vehicle base plated in Washington.
**SB 5815, and its companion bill, HB 1574, are incorporated in their entirety into SHB 1843, as described below:*
- A high-risk carrier is liable for double the amount of the penalty of a prior violation if the high-risk carrier repeats the same violation during a follow-up compliance review.
- Under certain circumstances, a motor carrier who incurs a penalty may request that the WSP mitigate the penalty. A motor carrier has a right to an administrative hearing to contest the violation or the penalty imposed or both.

HB 1844: REQUIRING CRIMINAL HISTORY RECORD CHECKS OF CURRENT AND PROSPECTIVE DEPARTMENT OF LICENSING EMPLOYEES WHO ISSUE OR MAY ISSUE ENHANCED DRIVERS' LICENSES AND IDENTICARDS

Prime Sponsor: Representative Moeller

(SB 5878 Senator Sheldon)

**Signed by the Governor*

- The Department of Licensing is required to investigate the conviction records of, and pending charges against, any current or prospective employee with the ability to issue an Enhanced Driver License (EDL) or modify EDL records.

ESHB 1939: CONCERNING VEHICLE DEALER DOCUMENTARY SERVICE FEES

Prime Sponsor: Representative Takko

(SB 5816 Senator Eide)

**Signed by the Governor*

- The documentary service fee that car dealers may charge is increased from \$50 to \$150. The increase sunsets on June 30, 2014.
- In addition to meeting the conditions under current law, the dealer must disclose to the purchaser or lessee in writing that the fee is a negotiable fee. The written disclosure of the fee must be in bold, italics, capitalized, or otherwise set-off from the rest of the document.

ESHB 1978: CONCERNING ECONOMIC STIMULUS TRANSPORTATION FUNDING AND APPROPRIATIONS

Prime Sponsor: Representative Clibborn

(SB 5458 Senator Marr)

**Signed by the Governor*

- Authorizes the Washington State Department of Transportation to spend federal funding, provided in the American Recovery and Reinvestment Act of 2009 (federal "stimulus" funding), on identified state highway projects.
- Makes supplemental changes to the 2007-2009 Biennial Transportation Budget.

ESHB 2072: CONCERNING TRANSPORTATION FOR PERSONS WITH SPECIAL TRANSPORTATION NEEDS

Prime Sponsor: Representative Wallace

**Signed by the Governor/partial veto*

- Strengthens the role of the Agency Council on Coordinated Transportation (ACCT) in improving coordination and efficiency in special needs transportation and reauthorizes ACCT until June 30, 2011.
- Creates two local coordinating coalitions in two Medicaid transportation brokerage regions (Pierce County and Clark County five-county area); each coalition must implement a pilot project to test cost-sharing and cost-saving opportunities.
- Creates two ACCT-appointed work groups. ~~One work group must consider recommendations from a Joint Transportation Committee Study on special needs transportation.~~ The second work group must analyze federal definitions and reporting requirements for various federal programs and identify ways to reduce barriers to improved coordination of special needs transportation. (PV)
- ~~ACCT must work with the Department of Social Health Services and the Washington State Patrol to make progress toward establishing a single clearinghouse for driver background checks within the most cost-effective agency.~~ (PV)
- *The Governor vetoed various sections that were not sufficiently funded in the omnibus transportation appropriation act.* (PV)

SHB 2095: CLARIFYING THE PERMITTING, TRAINING, AND LICENSING PROCESS FOR DRIVER TRAINING SCHOOLS

Prime Sponsor: Representative Orwall

(SSB 5938 Senator Ranker)

**Signed by the Governor*

- Many clarifications and technical corrections are made to the driver training schools and instructors statutes.

SHB 2198: REQUIRING RENTAL CAR BUSINESSES TO HAVE A SUFFICIENT NUMBER OF CHILD RESTRAINT SYSTEMS AVAILABLE TO THEIR CUSTOMERS

Prime Sponsor: Representative Hudgins

**SHB 2198 was not enacted, but it is incorporated in part into SSB 5509.*

ESHB 2211: ADDRESSING THE AUTHORIZATION, ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF TOLLS ON THE STATE ROUTE NUMBER 520 CORRIDOR

Prime Sponsor: Representative Clibborn

**Signed by the Governor*

- Authorizes tolls on the state route number 520 corridor, effective August 1, 2009.
- Directs the initial toll-backed bond proceeds to fund the replacement of the floating bridge and necessary landings.
- Creates the SR 520 Work Group, comprised of various legislators, the Secretary of Transportation, and the King County member of the Transportation Commission, which is charged with recommending design options and a financing strategy for projects in the SR 520 corridor.

SHB 2214: CONCERNING AIRPORT OPERATORS FINANCING CONSOLIDATED RENTAL CAR FACILITIES AND COMMON USE TRANSPORTATION EQUIPMENT AND FACILITIES

Prime Sponsor: Representative Simpson

**Signed by the Governor*

- Explicit authority is given to a municipal airport operator to use its own funds to finance a consolidated rental car facility and common use transportation system.
- The airport operator is entitled to earn a rate of return on such funds no greater than the interest rate the airport operator would have to pay to finance such a facility in the appropriate capital market.

SHB 2223: EXEMPTING APPLICANTS WHO OPERATE COMMERCIAL MOTOR VEHICLES FOR AGRIBUSINESS PURPOSES FROM CERTAIN COMMERCIAL DRIVER'S LICENSE REQUIREMENTS

Prime Sponsor: Representative Clibborn

**Signed by the Governor*

- Until July 1, 2011, applicants for a commercial driver's license (CDL) who operate a commercial motor vehicle for agribusiness purposes are exempt from the requirement of either successfully completing a course of instruction in the operations of a commercial motor vehicle, or being certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle in order to obtain a CDL.

HB 2313: EXTENDING THE LENGTH OF FARM VEHICLE PERMITS

Prime Sponsor: Representative Grant-Herriot

**Signed by the Governor*

- Farm vehicle trip permits are valid for 30 consecutive calendar days.

SHB 2326: AUTHORIZING BONDS FOR THE FINANCING OF ELIGIBLE TOLL FACILITIES

Prime Sponsor: Representative Clibborn

**SHB 2326 was not enacted, but the provisions are substantially similar to those in ESHB 1272.*

- Authorizes the issuance of \$1.95B in general obligation bonds in order to finance the State Route 520 corridor projects.
- Requires the bonds to be first payable from toll revenue and then from gas tax revenue to the extent toll revenue is not available for that purpose.

HJM 4014: REQUESTING THAT HOUSE RESOLUTION 6922 OR SUBSTANTIALLY SIMILAR LEGISLATION BE ENACTED BY CONGRESS TO HELP STABILIZE THE TRUCKING INDUSTRY

Prime Sponsor: Representative Kessler

- The Washington State Senate and House of Representatives request that the United States Congress enact H.R. 6922 or substantially similar legislation.
- H.R. 6922 would amend the Small Business Act to provide low-interest loans to small businesses that provide transportation services in order to assist these businesses with high motor fuel prices.

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2SSB 5045: REGARDING COMMUNITY REVITALIZATION FINANCING

Prime Sponsor: Senator Kilmer

**Signed by the Governor*

- Local governments may create “revitalization areas” and use certain tax revenues which increase within the area to finance local public improvements, including a state contribution in the form of a local sales and use tax credited against the state tax.
- The following areas are "demonstration projects" which may establish revitalization areas and finance local public improvements: Whitman County, University Place, Tacoma, Bremerton, Auburn, Vancouver, and Spokane. These demonstration projects may impose the new local tax credited against the state tax beginning July 1, 2010, with the maximum state contribution being \$2.25 million per fiscal year.
- Other projects may apply to the Department of Revenue starting September 1, 2009. These projects may impose the new local tax credited against the state tax beginning July 1, 2011, with the maximum state contribution being \$2.5 million per fiscal year. The maximum state contribution per project is \$500,000 per fiscal year.

ESSB 5073: IMPROVING BUDGET TRANSPARENCY BY CONSOLIDATING ACCOUNTS INTO THE STATE GENERAL FUND

Prime Sponsor: Senator Zarelli

**Signed by the Governor*

- On July 1, 2009, the following state accounts are abolished and any remaining balances are transferred to the state General Fund: the Health Services Account, the Violence Reduction and Drug Enforcement Account, the Water Quality Account, the Public Safety and Education Account (including the Equal Justice Subaccount), and the Student Achievement Account. (These are the accounts that are currently subject to the state expenditure limit.)

SB 5303: TRANSFERRING PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 MEMBERS TO THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2

Prime Sponsor: Senator Hobbs

(HB 1546 Representative Conway)

**Signed by the Governor*

- The automatic transfer of the prior service credit and contributions of a member of the Public Employees' Retirement System Plan 2 (PERS 2) to the School Employees' Retirement System Plan 2 (SERS 2) when that member works in a SERS 2 eligible position is ended, effective August 1, 2009.
- A member of SERS 2 whose service credit and contributions were previously transferred automatically from PERS 2 to SERS 2 due to employment in a SERS eligible position between September 1, 2000, and August 1, 2009, may apply for a restoration of the member's prior credit and contributions to PERS 2.

SB 5305: REPEALING CERTAIN OBSOLETE STATE RETIREMENT SYSTEM STATUTES

Prime Sponsor: Senator Schoesler

(HB 1542 Representative Seaquist)

**Signed by the Governor*

- Two obsolete sections of statute governing the use of death and disability funds within the Teachers' Retirement System (TRS) are repealed.
- Actual disability and death benefits in TRS are not affected.

SB 5315: EXTENDING THE SURVIVOR ANNUITY OPTION FOR PRERETIREMENT DEATH IN PLAN 1 OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO MEMBERS WHO DIE AFTER LEAVING ACTIVE SERVICE

Prime Sponsor: Senator Schoesler

(HB 1550 Representative Seaquist)

**Signed by the Governor*

- The survivor of a retirement-eligible member of the Public Employees' Retirement System (PERS) Plan 1 who dies after leaving PERS eligible employment but before retiring may elect to receive a monthly survivor's allowance rather than a refund of the member's retirement system contributions.

ESSB 5321: EXTENDING A LOCAL SALES AND USE TAX THAT IS CREDITED AGAINST THE STATE SALES AND USE TAX

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- Beginning July 1, 2011, a city with a population over 400,000 is allowed to impose the annexation services sales and use tax at a rate of 0.85 percent for a single annexation area with a population of at least 18,000.
- The total amount of revenue a city with a population over 400,000 may receive from the tax is limited to \$5 million per fiscal year. The 0.85 percent tax rate and \$5 million cap is also extended to a city that annexes an area with a population greater than 18,000 that was concurrently designated as a potential area, as of November 1, 2008, by a city with a population greater than 400,000.
- A city that has commenced annexation of enough areas prior to 2010, which would have allowed it to exceed the 0.2 percent limit, may receive an additional 0.1 percent sales tax credit beginning July 1, 2011.
- The city of Bellevue may receive a 0.1 percent sales tax credit for an annexation of an area with over 4,000 persons.
- If a city or town, with a prohibition or limitation on house-banked card games, annexes an area in a jurisdiction that permits card games, the city or town may allow the continued operation of card games in the annexed area if it can be demonstrated that tax receipts generated by the business operating the card games will reduce the annexation sales and use tax imposed by the city.

SSB 5368: MAKING PROVISIONS FOR ALL COUNTIES TO VALUE PROPERTY ANNUALLY FOR PROPERTY TAX PURPOSES

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- All counties value property on an annual basis by 2014.
- The Department of Revenue must provide guidance and financial assistance to counties converting to annual revaluations.
- The department must administer a grant program for the counties that need funds to convert their technology to enable them to convert to annual revaluation.
- The grant program is funded by an extension of a \$5 fee on real estate transactions that is set to expire July 1, 2010.

SB 5390: CONCERNING THE TAX ON CLEANING UP RADIOACTIVE WASTE AND OTHER BYPRODUCTS OF WEAPONS PRODUCTION AND NUCLEAR RESEARCH AND DEVELOPMENT

Prime Sponsor: Senator Delvin

(SB 1321 Senator Kenney)

**SB 5390 was not enacted, but the provisions are similar to those in ESSB 6170.*

ESSB 5460: REDUCING THE ADMINISTRATIVE COST OF STATE GOVERNMENT DURING THE 2007-2009 AND 2009-2011 FISCAL BIENNIA

Prime Sponsor: Senator Tom

**Signed by the Governor*

** SB 5460 is incorporated in part into HB 2328.*

- Reduces expenditures by state agencies by temporarily restricting spending for salary increases, hiring, personal services contracts, equipment purchases, and out-of-state travel and training.
- Various exceptions are provided, and an exemption process is established.

SB 5470: PROVIDING SALES AND USE TAX EXEMPTIONS FOR SENIOR RESIDENTS OF QUALIFIED LOW-INCOME SENIOR HOUSING FACILITIES

Prime Sponsor: Senator Stevens

**Signed by the Governor*

- A sales and use tax exemption is provided for senior residents of qualified low-income senior housing facilities. The exemption applies to sales and use tax on charges for bundled service packages and meals when provided by the lessor or operator of a qualified senior housing facility for qualified tenants.
- A "qualified low-income senior housing facility" means a facility that: (1) meets the definition of a qualified low-income housing project under the federal Internal Revenue Code; (2) has been partially funded under Title 42 U.S.C. Sec. 1485 of the federal Internal Revenue Code; and (3) has a lessor or operator who at any time has been entitled to claim a federal income tax credit under Title 26 U.S.C. Sec. 42 of the federal Internal Revenue Code.
- A qualified tenant must be at least 62 years of age. If the sale is billed to both spouses of a marital community or both domestic partners of a domestic partnership, the sale will be exempt if at least one of the spouses or domestic partners is at least 62 years of age.

SB 5511: MAKING CHANGES AFFECTING CITY-COUNTY ASSISTANCE ACCOUNT DISTRIBUTIONS IN RESPONSE TO THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Prime Sponsor: Senator Prentice

(HB 1667 Representative Springer)

**Signed by the Governor*

- Streamline sales and use tax mitigation distributions are included into the determination of eligibility for, and amount of, city-county assistance account distributions.
- The certification date for city-county assistance account distributions is changed from March 1 to October 1, beginning October 1, 2009.
- The Department of Revenue's certification is final after a 30-day review period.

SSB 5537: ELIMINATING THE STATUTORY DEBT LIMIT

Prime Sponsor: Senator Fraser

(SHB 1454 Representative Dunshee)

**Signed by the Governor*

- The statutory limit on debt service payments is amended to match the constitutional limit. The definition of general revenue and the kinds of debt covered by the statutory debt limit are aligned with the constitutional definitions.

SB 5542: PROVIDING A MINIMUM RETIREMENT ALLOWANCE FOR MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM PLAN 2 WHO WERE DISABLED IN THE LINE OF DUTY BEFORE JANUARY 1, 2001

Prime Sponsor: Senator Franklin

(HB 1678 Representative Van De Wege)

**The Governor vetoed. The provisions of SB 5542 are included in HB1678.*

- ~~The Department of Retirement Systems (DRS) must recalculate the retirement allowance paid to members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) who were disabled in the line of duty prior to January 1, 2001.~~
- Eligible members' benefits will be recalculated as a minimum benefit of 10 percent, plus an additional benefit of 2 percent per year of service beyond five years.
- ~~The 10 percent minimum benefit is subject neither to actuarial reduction for early retirement nor to the federal income tax. (Vetoed in its entirety)~~

SSB 5566: HARMONIZING EXCISE TAX STATUTES WITH THE STREAMLINED SALES AND USE TAX AGREEMENT IN REGARDS TO DIRECT SELLERS, TELECOMMUNICATIONS ANCILLARY SERVICES, COMMERCIAL PARKING TAXES, AND EXEMPTION CERTIFICATES

Prime Sponsor: Senator Regala

(HB 1089 Representative Hunter)

**Signed by the Governor*

- The sale of direct mail that is delivered or distributed from a location within this state to another location within this state is sourced, for sales tax purposes, to the address of the seller from which the direct mail was sent.
- It is clarified that telecommunication ancillary services are sourced to the customer's place of primary use of the telecommunication services.
- The 50 percent penalty for misuse of a resale certificate is extended to also apply to the misuse of the uniform Streamlined Sales Tax exemption certificate when it is used to claim a purchase for resale exemption.

SB 5568: ENHANCING TAX COLLECTION TOOLS FOR THE DEPARTMENT OF REVENUE IN ORDER TO PROMOTE FAIRNESS AND ADMINISTRATIVE EFFICIENCY

Prime Sponsor: Senator Tom

(HB 1931 Representative Hunter)

**Signed by the Governor*

- The Department of Revenue (Department) may apply for a subpoena to a superior court or district court to obtain third party information if there is probable cause to believe that records in the possession of the third party will aid the Department in connection with its official duties relating to an audit, collection activity, or a civil or criminal investigation.
- The court issuing the subpoena may require the Department to reimburse the third party for reasonable costs incurred in producing the records specified in the subpoena.

SSB 5571: REQUIRING THE USE OF ELECTRONIC METHODS FOR TAXES ADMINISTERED BY THE DEPARTMENT OF REVENUE, INCLUDING FILING OF TAXES, PAYMENT OF TAXES, ASSESSMENT OF TAXES, AND OTHER TAXPAYER INFORMATION

Prime Sponsor: Senator Oemig

(HB 1767 Representative Ericks)

**Signed by the Governor*

- The Department of Revenue (DOR) must send all assessments, notices, or other information electronically, but may waive this requirement for any taxpayer for good cause, temporarily or permanently.

- Taxpayers who file tax returns on a monthly basis must file them and pay taxes electronically. DOR may waive this requirement for any taxpayer for good cause, temporarily or permanently.
- Taxpayers who file returns on a quarterly or annual basis may also file and pay electronically.

SB 5580: CONCERNING SCHOOL IMPACT FEES

Prime Sponsor: Senator Pridemore

(HB 1975 Representative Santos)

**Signed by the Governor*

- Expenditure or encumbrance provisions for certain impact fees are modified.
- School impact fees must be expended or encumbered within ten years of receipt, rather than six years, unless there exists an extraordinary or compelling reason for fees to be held longer than ten years.
- Extraordinary or compelling reasons must be identified in written findings by the governing body of the county, city, or town.
- The Office of the Superintendent of Public Instruction must develop criteria for extending the use of school impact fees from six to ten years.
- The extension also requires an evaluation of each respective school board on the appropriateness of the extension.

SB 5680: MODIFYING THE PROPERTY TAX EXEMPTION FOR NONPROFIT ARTISTIC, SCIENTIFIC, HISTORICAL, AND PERFORMING ARTS ORGANIZATIONS

Prime Sponsor: Senator Jarrett

**Signed by the Governor*

- Currently, artistic, scientific, and historical organizations may rent their property for nonexempt purposes for 25 days, and seven of those days may be for pecuniary gain.
- The number of days that property may be used for these purposes is increased from 25 to 50 days per year.
- The number of days the property may be used for pecuniary gain is increased from seven days to 15 days.

SB 5744: CONCERNING PUBLIC UTILITY TAX FOR LOG TRANSPORTATION BUSINESSES

Prime Sponsor: Senator Hargrove

**SB 5744 was not enacted, but the provisions are similar to those in ESSB 6170.*

ESSB 5892: CONCERNING PRESCRIPTION DRUG USE IN STATE PURCHASED HEALTH CARE PROGRAMS

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- The state prescription drug purchasing program is modified to allow more effective management of prescriptions provided through the medical assistance program. Modifications allow increased use of generics, some limitations on prescribers' ability to write prescriptions dispense as written, and the opportunity to modify the preferred drug list when less expensive, equally effective generic products or over-the-counter products become available in drug classes that have been previously reviewed by the Pharmacy and Therapeutics Committee.
- The Department of Social and Health Services (DSHS) must review a prescribers frequency of writing dispense as written when the frequency varies significantly from other providers, discuss the data with the prescriber, and allow time for the provider's prescribing pattern to align with other providers.
- The DSHS prior authorization process for requesting non-preferred prescriptions must provide a response within 24 hours and provide a 72-hour emergency supply of the requested medication.

SB 5909: CLARIFYING THAT MULTIPLE QUALIFIED BUILDINGS ARE ELIGIBLE FOR THE HIGH TECHNOLOGY RETAIL SALES AND USE TAX DEFERRAL

Prime Sponsor: Senator Murray

(HB 1818 Representative Dickerson)

**Signed by the Governor*

- "Multiple qualified buildings" leased to the same person are eligible for the high tech research and development deferral when the structures are located within a five mile radius and the initiation of construction of each building begins within a 60-month period.
- Shifting of qualified activities is allowed within a building or from one building to another.

E2SSB 5916: REGARDING BROADBAND ADOPTION AND DEPLOYMENT

Prime Sponsor: Senator Kohl-Welles

**E2SSB 5916 is incorporated into E2SHB 1701.*

SB 5980: RENAMING COMPONENTS OF THE FORMULA FOR ALLOTMENT OF APPROPRIATIONS FOR SCHOOL PLANT FACILITIES

Prime Sponsor: Senator Oemig

(HB 2142 Representative Roach)

**Signed by the Governor*

- The following elements of the state funding formula are renamed in affected statutes: State matching funds to State funding assistance; State matching percentage to State funding assistance percentage; Percentage of state assistance to State funding assistance percentage; State assistance to State funding assistance; (School district) matching requirement to (School district) local requirement for state funding assistance; and (School district) matching funds to (School district) local funds.

SB 6002: ABOLISHING THE WASHINGTON STATE QUALITY FORUM

Prime Sponsor: Senator Keiser

(HB 2159 Representative Keiser)

**Signed by the Governor*

- The Washington State Quality Forum, which was established during the 2007 Legislative Session to facilitate the collection, evaluation, and dissemination of health care data, is eliminated.

SB 6096: CONCERNING THE TAXATION OF THE MANUFACTURING AND SELLING OF FUEL FOR CONSUMPTION OUTSIDE THE WATERS OF THE UNITED STATES BY VESSELS IN FOREIGN COMMERCE

Prime Sponsor: Senator Tom

**Signed by the Governor*

- Clarifies that income from wholesaling and retailing of bunker fuel can be deducted from the business and occupation (B&O) tax; however, manufacturing of bunker fuel is taxable under the B&O manufacturing classification.

SB 6104: ADDRESSING STATE AGENCY HOURS OF OPERATION

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- State agencies are provided flexibility in the hours of operation, so long as they are open at least 40 hours per week, and public records are available at least 30 hours per week.

ESSB 6108: ALLOWING THE STATE LOTTERY COMMISSION TO ENTER INTO AN AGREEMENT TO CONDUCT AN ADDITIONAL SHARED LOTTERY GAME

Prime Sponsor: Senator Prentice

(HB 2300 Representative Ericks)

**Signed by the Governor*

- The Washington State Lottery Commission is authorized to enter into an agreement for a second multi-state lottery game known as Powerball.
- After distributions to the Education Construction Account, net revenues from Powerball game will be transferred to the state General Fund for the Student Achievement Program.

SB 6121: REGARDING THE SURCHARGE TO FUND BIOTOXIN TESTING AND MONITORING

Prime Sponsor: Senator Tom

**Signed by the Governor*

- Creates the Biotoxin Account, which will be administered by the Department of Health for the testing and monitoring of biotoxins, and the Olympic Region Harmful Algal Bloom Monitoring Program.
- Transfers any monies from the biotoxin surcharges remaining in the General Fund-Local Account to the Biotoxin Account.

SSB 6122: REDUCING COSTS OF THE ELECTIONS DIVISION OF THE OFFICE OF THE SECRETARY OF STATE

Prime Sponsor: Senator Prentice

(HB 2310 Representative Sells)

**Signed by the Governor/partial veto*

- Reduces the mandatory costs of the Elections Division of the Office of the Secretary of State.
- Efficiencies and reductions are achieved in the area of printing ballots and Voters' Pamphlets, and training and certifying elections staff.
- ~~In printing the Voters' Pamphlet, the Secretary of State is not required to use the services of the State Printer.~~
(PV)

SB 6126: CONCERNING BOXING, MARTIAL ARTS, AND WRESTLING EVENTS

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- Currently the Department of Licensing is responsible for regulating these events. The source of funding for regulation activities is changed from a tax on gross ticket proceeds to an event fee.
- Proceeds from this event fee and existing fees should be deposited into the Business and Professions Account. These fees must be set by rule and should fully cover the cost of regulation.
- Provisions related to complimentary tickets are removed.

ESB 6137: CONCERNING COMMON SCHOOLS FUND TRANSFERS

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- The list of appropriations to the Superintendent of Public Instruction that may be transferred to cover under or over expenditures in other programs is expanded to include the I-728 Student Achievement Fund allocations.
- This is a technical correction to the 2009 Supplemental Budget (ESHB 1244).

SB 6157: CALCULATING COMPENSATION FOR PUBLIC RETIREMENT PURPOSES DURING THE 2009-2011 FISCAL BIENNIUM

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- Directs the Department of Retirement Systems to include in a Public Employees' Retirement System (PERS) member's final average compensation any pay that is forgone by the member during the 2009-2011 biennium as a result of reduced work hours, voluntary leave without pay, or temporary furloughs, provided that the reduced compensation is part of the employer's efforts to reduce costs.

ESB 6158: DELAYING THE IMPLEMENTATION OF THE FAMILY LEAVE INSURANCE PROGRAM

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Implementation of the Family Leave Insurance Program is delayed for three years with benefits payable beginning October 1, 2012 (instead of October 1, 2009).

SSB 6161: ADDRESSING THE ACTUARIAL FUNDING OF PENSION SYSTEMS

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- Revises actuarial assumptions used to calculate contribution rates in a number of state retirement systems, including the Public Employees' (PERS), Teachers' (TRS), School Employees', Public Safety Employees', and Washington State Patrol Retirement Systems and Plan 1 of the Law Enforcement Officers' and Fire Fighters' Retirement System.
- Adopts a new method for paying off the unfunded liabilities in PERS Plan 1 and TRS Plan 1.
- Reduces employer and employee contribution rates for the 2009-11 fiscal biennium to reflect the revised methods and assumptions.

SSB 6162: PROVIDING FOR THE SUPERVISION OF OFFENDERS SENTENCED TO COMMUNITY CUSTODY REGARDLESS OF RISK CLASSIFICATION IF THE OFFENDER HAS A CURRENT CONVICTION FOR A SERIOUS VIOLENT OFFENSE

Prime Sponsor: Senator Prentice

**Signed by the Governor/partial veto*

- Offenders who have a current conviction for a serious violent offense must be supervised by the Department of Corrections regardless of the offender's risk to reoffend.
- ~~Emergency clause.~~ (PV)

SB 6165: ALLOWING GREATER USE OF SHORT BOARDS FOR APPEALS BEFORE THE SHORELINES HEARINGS BOARD

Prime Sponsor: Senator Ranker

**Signed by the Governor*

- In addition to appeals involving a single family residence or certain structures serving a single family residence, or appeals that involve a penalty of \$15,000 or less, a short board may hear other cases designated by the Chair of the Shorelines Hearings Board.
- When designating cases for review by a short board, the Chair must consider factors such as the complexity and precedential nature of the case, and the efficiency and cost-effectiveness of using a short board versus a full board.

ESB 6166: CONCERNING THE SALE OF TIMBER FROM STATE TRUST LANDS

Prime Sponsor: Senator Hargrove

**Signed by the Governor/partial veto*

- Increases to 20 percent the total annual volume of timber that can be directly contracted for harvest.
- Increases the minimum balance in the Contract Harvest Revolving Account from \$1 million to \$5 million and changes, from the end of the fiscal year to the end of the calendar year, the timing when, as required by statute, excess monies in the account are disbursed to the beneficiaries.
- Requires the Department of Natural Resources (DNR) to consider timber sale extensions and to provide flexibility in timber sale contract administration to mitigate against the potential for contract default.
- Requires DNR to report to the Legislature on the status of existing contracts, extensions, and defaults, and to provide a timber market forecast for 2010 and 2011 by December 1, 2009.
- ~~Requires DNR to report to the Legislature by December 1, 2013, on the effectiveness of the 20 percent contract harvesting program.~~ (PV)
- Expires January 1, 2014.

SB 6167: CONCERNING CRIMES AGAINST PROPERTY

Prime Sponsor: Senator Kline

**Signed by the Governor*

- Increases the monetary threshold for property crimes, theft, possession of stolen property, and malicious mischief, as follows: 1st degree involving property valued a greater than \$5,000; 2nd degree between \$750 and \$5,000; and 3rd degree up to \$750.
- An organized crime task force is created to monitor the effects of raising the monetary threshold amounts used to define various degrees of property crimes.
- The Sentencing Guidelines Commission is directed to review the monetary threshold amounts differentiating various degrees of property crimes.

SB 6168: REDUCING COSTS IN STATE ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Prime Sponsor: Senator Tom

**Signed by the Governor/partial veto*

- A number of Revised Code of Washington (RCW) statutes are amended to allow the associated programs to be implemented contingent on the availability of funds.
- ~~28A.415.340—Leadership Academy; 28A.300.515—statewide coordination for science, technology, engineering, and math (STEM Office); and 28A.625.020—Employee Award Program included in the bill were vetoed.~~ (PV)

ESSB 6169: ENHANCING TAX COLLECTION TOOLS FOR THE DEPARTMENT OF REVENUE IN ORDER TO PROMOTE FAIRNESS AND ADMINISTRATIVE EFFICIENCY

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- In addition to existing methods, the Department of Revenue (DOR) is authorized to issue a notice and order to withhold and deliver property to any financial institution by providing a partial or full list of unpaid tax warrants.
- Only one "enhanced" list may be served on a single financial institution each month and must provide federal Taxpayer Identification Numbers for the listed taxpayers.
- DOR is directed to work with interested financial institutions to develop policies and must report back to the Legislature on the implementation by January 1, 2012, describing the policies developed, any difficulties encountered, and any suggestions to improve the effectiveness and reduce the burden on financial institutions in complying.

ESSB 6170: CONCERNING ENVIRONMENTAL TAX INCENTIVES

Prime Sponsor: Senator Hobbs

**Signed by the Governor*

**SB 5441, HB 1610, SB 5442, HB 1633, SB 5906, HB 1911, ESHB 2278, SB 5390, SHB 1321, SB 5744 and SB 5185 were not enacted, but the provisions are similar as described below:*

- On August 1, 2009, the sales tax exemption on hybrid vehicles is repealed. Hybrid vehicles are not subject to the 0.3 percent sales tax on vehicles through January 1, 2011.
- A sales and use tax exemption in the form of a refund is allowed for 100 percent of the sales tax paid on machinery and equipment used to create energy from fuel cells, sun, wind, biomass energy, tidal and wave energy, geothermal resources, anaerobic digestion, and technology that converts otherwise lost energy from exhaust or landfill gas from July 1, 2009, to June 30, 2011. The sales tax exemption is reduced to 75 percent from July 1, 2011, to June 30, 2013. The exemption expires June 30, 2013.
- The public utility tax on log hauling is reduced from 1.926 percent to 1.37 percent.
- A sales tax exemption is provided for hog fuel used to produce electricity, steam, heat, or biofuel. Hog fuel is defined as wood waste and other wood residuals including forest derived biomass.
- A business and occupation (B&O) credit is provided for harvesters of harvested green ton of forest derived biomass sold or used for production of electricity, steam, heat, or biofuel as follows: from July 1, 2010, through June 30, 2013, \$3 per harvested green ton; and from July 1, 2013, through June 30, 2015, \$5 per harvested green ton. The credit expires June 30, 2015.
- A sales tax exemption is provided for the sale of forest derived biomass used to produce electricity, steam, heat, or biofuel. The exemption expires on June 30, 2013.
- Beginning October 1, 2009, the B&O tax for businesses that manufacture or sell at wholesale either: (1) solar energy systems using photovoltaic modules; or (2) solar grade silicon and an expanded list of materials to be used exclusively in the components solar systems or semiconductors is set at a reduced rate of 0.275 percent. The lower B&O tax rate expires on June 30, 2014.
- A sales tax exemption is provided for gases and chemicals used in the production of solar energy equipment. The exemption expires December 1, 2018.
- The cost-recovery incentive program for renewable energy systems is extended to "community solar projects," which are either: (1) a solar energy system owned by local individuals, households, or nonutility businesses that is placed on the property owned by their cooperating local governmental entity; or (2) a utility-owned solar energy system that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project.
- The nutrient management sales and use tax exemption is expressed as a fixed list of equipment and facilities. Labor and services related to the construction of a new livestock nutrient management facility or the replacing of such a facility are explicitly excluded from the sales and use tax exemption. A statutory definition of "handling and treatment of livestock manure" is provided.
- Persons providing certain support services which are either within the scope of work under a cleanup contract with the United States Department of Energy, or which assist in the requirement of a cleanup subcontract are qualified for the reduced B&O tax rate of 0.471 percent for radioactive waste cleanup.

SSB 6171: CONCERNING SAVINGS IN PROGRAMS UNDER THE SUPERVISION OF THE DEPARTMENT OF HEALTH

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- The Department of Health (DOH) is given more flexibility in the investigation of human cases of pesticide poisoning.
- The requirement that DOH provide technical assistance in the regulation of Group B water systems is eliminated.
- The requirement that DOH update rules for the expansion of information provided to pregnant women on cord blood donations is eliminated.

- DOH may contract with an independent entity to establish an internet-based adverse events reporting system contingent upon specific funds provided in the budget.
- DOH's rule-making authority around independent third party sampling of contaminated properties is repealed.

SB 6173: IMPROVING SALES TAX COMPLIANCE

Prime Sponsor: Senator Prentice

**Signed by the Governor*

- Beginning January 1, 2010, the requirement to use a resale certificate for purchases for resale is eliminated and replaced with a Department of Revenue issued seller's permit.
- The seller's permit will only be issued to businesses that engage in purchases for resale and will not be issued to businesses that do not, such as service type businesses.
- Seller's permits will be valid for either two years or four years.
- Seller's permits for contractors will be valid for one year. They must reapply each year.
- The House Finance Committee and the Joint Task Force on the Underground Economy must each review the issues and concerns created by the bill and provide reports to the Legislature by December 1, 2009.

SB 6179: CONCERNING CHEMICAL DEPENDENCY SPECIALIST SERVICES

Prime Sponsor: Senator Tom

**Signed by the Governor*

- The Department of Social and Health Services is required to contract for chemical dependency specialist services but no longer must do so at each child welfare office.

ESSB 6180: CONCERNING THE TRAINING AND BACKGROUND CHECKS OF LONG-TERM CARE WORKERS

Prime Sponsor: Senator Keiser

**Signed by the Governor*

- Amends the effective dates for sections of I-1029 to delay implementation. Delays enhanced background checks and advanced training until January 1, 2012; and basic training and continuing education until January 1, 2011. Makes technical corrections to background check requirements.
- Excludes certain institutional and facility employees from the definition of "long-term care worker."

SB 6181: CONCERNING THE INTENSIVE RESOURCE HOME PILOT

Prime Sponsor: Senator Tom

**Vetoed by the Governor*

- ~~The intensive resource home pilot project is suspended until the Legislature provides specific funds for its implementation.~~ (Vetoed in its entirety)

SHB 1062: MODIFYING THE ELECTROLYTIC PROCESSING BUSINESS TAX EXEMPTION

Prime Sponsor: Representative Takko

(SB 5206 Senator Hatfield)

**Signed by the Governor*

- The public utility tax exemption for sales of electricity by a utility to a chlor-alkali or a sodium chlorate chemical business, which expires in 2010, is extended until December 31, 2018, and the section expires on June 30, 2019.
- The Citizen Commission for the Performance Measurement of Tax preferences will review this exemption.

HB 1113: FINANCING THE SCHOOL CONSTRUCTION ASSISTANCE GRANT PROGRAM

Prime Sponsor: Representative Driscoll

**Signed by the Governor*

- Supplemental funding of \$130 million is provided to the Office of the Superintendent of Public Instruction for the school construction assistance program.

ESHB 1216: CONCERNING THE CAPITAL BUDGET

Prime Sponsor: Representative Dunshee

(SB 5222 Senator Fraser)

**Signed by the Governor/partial veto*

- Funding is provided for construction of public schools and higher education facilities; grants for affordable housing, recreation and natural habitat preservation; grants to local government for public works projects; grants to cleanup and restore toxic waste sites and polluted water bodies; and the repair and construction of other state facilities.
- *The Governor vetoed five items relating to an evaluation of an expansion at the Washington Corrections Center and the purchase of artwork from out-of-state artists for state capital projects. These vetoes do not affect the expenditure level. (PV)*

ESHB 1244: MAKING OPERATING APPROPRIATIONS FOR FISCAL YEARS 2007-2009 AND 2009-2011

Prime Sponsor: Representative Linville

(SB 5600 Senator Prentice)

**Signed by the Governor/partial veto*

- Appropriations are modified for the 2007-09 and 2009-11 fiscal biennia.
- Additional budget data are available on the Senate Ways & Means Committee website.
- *The Governor vetoed 54 items in the 2007-09 and 2009-11 appropriations acts. Of these, three items were in the 2007-09 Supplemental Budget, and 16 items related to funding for 2009 bills that did not pass the Legislature. The net impact of all of the vetoes is to reduce the state's projected reserves by approximately \$82 million. (PV)*

HB 1272: CONCERNING STATE GENERAL OBLIGATION BONDS AND RELATED ACCOUNTS

Prime Sponsor: Representative Dunshee

(SSB 5223 Senator Fraser)

**Signed by the Governor*

- Authorizes the issuance of general obligation bonds to support the Capital Budget and the replacement of the State Route (SR) 520 bridge. Debt service payments for the bonds that support the Capital Budget are paid for by the General Fund. Debt service payments for the bonds for the SR 520 bridge are paid for by tolls and gas tax, and, if necessary, by the General Fund.

HB 1287: CONCERNING SALES AND USE TAX EXEMPTIONS IN RESPECT TO AIRCRAFT USED IN INTRASTATE COMMUTER OPERATIONS

Prime Sponsor: Representative Morris

(SB 5358 Senator Hobbs)

**Signed by the Governor*

- The sale of airplanes for use in providing intrastate air transportation by a commuter air carrier is exempt from the sales and use tax.
- A commuter air carrier is defined as an air carrier that is licensed as such by federal regulations, and that carries passengers on at least five round trips per week on at least one route between two or more points according to its published flight schedules that specify the times, days of the week, and places between which those flights are performed.

SHB 1321: CONCERNING THE TAX ON CLEANING UP RADIOACTIVE WASTE AND OTHER BYPRODUCTS OF WEAPONS PRODUCTION AND NUCLEAR RESEARCH AND DEVELOPMENT

Prime Sponsor: Representative Kenney

(SB 5390 Senator Delvin)

**SHB 1321 was not enacted, but the provisions are similar to those in ESSB 6170.*

HB 1506: PROVIDING BENEFITS FOR THE SURVIVORS OF CERTAIN FIREFIGHTERS

Prime Sponsor: Representative Conway

(SB 5311 Senator Fraser)

**Signed by the Governor*

- Allows the surviving spouse of a member of the Firemen's Relief and Pension System (FRPS) who retired due to disability or who died in the line of duty to continue to receive a monthly survivor allowance after remarriage.
- Also allows a member of the FRPS to elect to provide a survivor allowance for a spouse who is currently ineligible for a survivor benefit.
- A member electing to provide a new survivor benefit must accept an actuarially reduced benefit in order to do so.

HB 1527: CONCERNING MEDICAID PAYMENT RATES FOR BOARDING HOMES

Prime Sponsor: Representative Kessler

**Vetoed by the Governor*

- ~~The Department of Social and Health Services must hold at least one public hearing with at least 30 days notice to implement an upward or downward adjustment to the daily Medicaid payment rate for consumers who are assessed using the Comprehensive Assessment Reporting Evaluation tool and who reside in boarding homes. (Vetoed in its entirety)~~

HB 1548: ADDRESSING INTERRUPTIVE MILITARY SERVICE CREDIT WITHIN PLANS 2 AND 3 OF THE PERS, PLANS 2 AND 3 OF THE SERS, PLANS 2 AND 3 OF THE TRS, PLAN 2 OF THE LEOFF RETIREMENT SYSTEM, PLAN 2 OF THE WSPRS, AND THE PSERS

Prime Sponsor: Representative Bailey

(SB 5313 Senator Becker)

**Signed by the Governor*

- Allows members of Plan 2 or Plan 3 of the various state retirement systems to receive up to five years of retirement system service credit for interruptive military service at no cost to the member, provided that the military service was rendered in a time of war as defined in statute.
- Also allows a member of a retirement system Plan 2 or Plan 3 who has already purchased retirement system service credits for interruptive military service during a time of war to receive a refund of the contributions made to purchase the service credit.

HB 1551: ADDRESSING THE SURVIVOR BENEFITS OF EMPLOYEES WHO DIE WHILE HONORABLY SERVING IN THE NATIONAL GUARD OR MILITARY RESERVES DURING A PERIOD OF WAR

Prime Sponsor: Representative Conway

(SB 5314 Senator Carrell)

**Signed by the Governor*

- Exempts retirement benefits paid to survivors of members of state retirement systems that leave employment to serve in the National Guard or military reserves and die while honorably serving during a period of war from early retirement reductions.

HB 1579: CONCERNING A BUSINESS AND OCCUPATION TAX EXEMPTION FOR NONPROFIT ORGANIZATIONS THAT PROVIDE LEGAL SERVICES TO LOW-INCOME INDIVIDUALS

Prime Sponsor: Representative Appleton

**Signed by the Governor*

- Creates a business and occupation tax exemption for nonprofit organizations which primarily provide legal services to low-income individuals from whom no charge for services is collected.

HB 1610: CREATING INCENTIVES FOR THE USE OF BIOMASS IN RENEWABLE ENERGY PRODUCTION

Prime Sponsor: Representative Takko

(SB 5441 Senator Eide)

**HB 1610 was not enacted, but the provisions are similar to those in ESSB 6170.*

EHB 1616: ADDRESSING THE STATE PENSION BENEFITS OF CERTAIN DOMESTIC PARTNERS

Prime Sponsor: Representative Simpson

**Signed by the Governor*

- All of the rights enjoyed by spouses of members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) are extended to registered domestic partners of LEOFF 2 members.
- Benefits available to spouses and registered partners in LEOFF 2 include survivor benefits and, if the member is killed in the line of duty, health insurance coverage.

ESHB 1619: CONCERNING THE USE OF CAPITAL PROJECTS FUNDS BY SCHOOL DISTRICTS

Prime Sponsor: Representative White

**Signed by the Governor*

- Expands the types of activities that may be funded with school districts' capital projects funds generated by two- to six-year levies, adding major equipment repair, painting of facilities, and/or other major preventative maintenance purposes.
- Clarifies the definition of major renovation and replacement and adds major repairs, replacement and refurbishment of roofing, exterior painting, exterior walls and windows, and plumbing systems to the definition.
- Directs the Office of the Superintendent of Public Instruction to develop accounting guidelines to allow for these new uses of capital projects funds.
- Requires that funds used for new activities do not replace routine expenditures.

HB 1633: PROVIDING EXCISE TAX EXEMPTIONS FOR HOG FUEL USED FOR PRODUCTION OF ELECTRICITY, STEAM, HEAT, OR BIOFUEL

Prime Sponsor: Representative Conway

(SB 5442 Senator Hargrove)

**SHB 1633 was not enacted, but the provisions are similar to those in ESSB 6170.*

HB 1678: PROVIDING A MINIMUM RETIREMENT ALLOWANCE FOR MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM PLAN 2 WHO WERE DISABLED IN THE LINE OF DUTY BEFORE JANUARY 1, 2001

Prime Sponsor: Representative Van De Wege

(SB 5542 Senator Franklin)

**Signed by the Governor*

- The Department of Retirement Systems must recalculate the retirement allowance paid to members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 who were disabled in the line of duty prior to January 1, 2001.

- Eligible member's benefits will be recalculated as a minimum benefit of 10 percent, plus an additional benefit of 2 percent per year of service beyond five years.
- The 10 percent minimum benefit is subject neither to actuarial reduction for early retirement nor to the federal income tax.

ESHB 1694: ADDRESSING FISCAL MATTERS FOR THE 2007-2009 BIENNIUM

Prime Sponsor: Representative Linville

**Signed by the Governor*

- Modifies supplemental operating budget appropriations for the 2007-09 fiscal biennium.

E2SHB 1701: AUTHORIZING THE DEPARTMENT OF INFORMATION SERVICES TO ENGAGE IN HIGH-SPEED INTERNET ACTIVITIES

Prime Sponsor: Representative Hudgins

(E2SSB 5916 and SB 5917 Senator Kohl-Welles)

**Signed by the Governor*

**E2SSB 5916 and SB 5917 are incorporated into E2SHB 1701.*

- The Governor may carry out the purposes of the American Recovery and Reinvestment Act of 2009, and maximize investment in broadband deployment and adoption. The authority for overseeing broadband adoption and deployment efforts is vested in the Department of Information Services (DIS). DIS is established as the single eligible entity in the state for purposes of the federal Broadband Data Improvement Act and may apply for federal and other funds.
- DIS may conduct a survey of high-speed internet owned or leased by state agencies, create a geographic information system map of state controlled high-speed internet infrastructure, and conduct a competitive bidding process to procure a geographic information system map of high-speed internet infrastructure, service availability, and adoption based on publicly available data. In carrying out mapping activities, federal trade secrets and privacy protections apply. Private information is to remain private and public information is to remain public.
- The Community Technology Opportunity program is to be administered by DIS rather than by Washington State University.

SHB 1733: CONCERNING THE PROPERTY TAX CURRENT USE VALUATION PROGRAMS

Prime Sponsor: Representative Goodman

(SB 6063 Senator Ranker)

**Signed by the Governor*

**SB 5817 was not enacted, but included provisions substantially similar to those in SHB 1733.*

- Land used for equestrian activities such as stabling, training, riding, clinics, schooling, shows, or grazing for feed are eligible for current use valuation as farm and agricultural land.
- An exception from the requirement to pay additional tax upon removal of property from a current use classification is allowed when the classification was originally granted in error through no fault of the owner.

HB 1878: AUTHORIZING THE TRANSFER OF ACCUMULATED LEAVE OF EMPLOYEES OF THE STATE SCHOOL FOR THE BLIND AND THE SCHOOL FOR THE DEAF

Prime Sponsor: Representative Jacks

(SB 5650 Senator Pridemore)

**Signed by the Governor*

- Authorizes the transfer of accumulated leave of K-12 and educational service district employees to and from the Washington State School for the Blind and the School for the Deaf.

HB 1911: MODIFYING THE BUSINESS AND OCCUPATION TAX RATE ON WHOLESALEERS OF SOLAR ENERGY SYSTEMS AND INCLUDING SEMICONDUCTOR MATERIALS

Prime Sponsor: Representative Probst

(SB 5906 Senator Pridemore)

**SHB 1911 was not enacted, but the provisions are similar to those in ESSB 6170.*

SHB 1953: ALLOWING DEPARTMENT OF FISH AND WILDLIFE ENFORCEMENT OFFICERS TO TRANSFER SERVICE CREDIT

Prime Sponsor: Representative Conway

(SB 5309 Senator Hobbs)

**Signed by the Governor*

- Allows Department of Fish and Wildlife Enforcement Officers belonging to transfer service credit earned in the Public Employees' Retirement System (PERS) Plan 2 or 3 as an Enforcement Officer into the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plan 2.
- A member choosing to transfer service credit in this way is required to contribute to the LEOFF 2 fund an amount equal to the difference between the contributions that the member made in PERS and the contributions that the member would have made in LEOFF, plus interest.

SHB 2052: DELAYING THE IMPLEMENTATION OF THE HEALTH INSURANCE PARTNERSHIP

Prime Sponsor: Representative Cody

**Signed by the Governor*

- Processing enrollment applications for the Health Insurance Partnership is delayed from January 1, 2009, until January 1, 2011, or earlier, subject to sufficient state or federal funding being provided for this purpose. The requirement that the partnership begin offering coverage no later than March 1, 2009, is repealed.

ESHB 2075: CONCERNING THE EXCISE TAXATION OF CERTAIN PRODUCTS AND SERVICES PROVIDED OR FURNISHED ELECTRONICALLY

Prime Sponsor: Representative Hunter

**Signed by the Governor*

- Defines electronically delivered products into three main categories: digital goods, digital automated services, and digital codes.
- Imposes sales and use taxes on digital goods and digital automated services when sold to an end user. Digital codes are subject to tax to an end user if the product received is subject to sales tax.
- Contains several tax exemptions including digital products purchased for resale, digital products provided free of charge, and standard digital information purchased for business purposes.
- Provides that having digital information on a server located in Washington does not imply nexus for tax purposes.
- Amnesty is provided for any sales or use tax accrued before passage of this bill.

EHB 2122: REDUCING THE BUSINESS AND OCCUPATION TAX BURDEN ON THE NEWSPAPER INDUSTRY

Prime Sponsor: Representative Kessler

(SB 5961 Senator Prentice)

**Signed by the Governor*

- The business and occupation tax rate for printing and publishing newspapers is reduced from 0.484 percent to 0.2904 percent of gross income.
- Businesses claiming this preferential tax rate must complete and electronically file an annual report with the Department of Revenue.

**EHB 2194: MODIFYING PROVISIONS RELATING TO EXTRAORDINARY
MEDICAL PLACEMENT FOR OFFENDERS**

Prime Sponsor: Representative Appleton

**Signed by the Governor*

- Specifies that the Secretary of the Department of Correction may authorize an extraordinary medical placement for an offender if the offender has a medical condition that is expected to require costly care or treatment at the time of the release.

**HB 2206: INCLUDING COSTS AS AUTHORIZED EXPENDITURES FROM THE
OASI REVOLVING FUND AND OASI CONTRIBUTION ACCOUNT**

Prime Sponsor: Representative Darneille

(SB 6006 Senator Regala)

**Signed by the Governor*

- Establishes some of the administrative framework for the Department of Retirement Systems (DRS) to manage the Old Age and Survivor's Insurance (OASI) program, which extends federal Social Security and Medicare benefits to state and local government employees.
- Authorizes the DRS to pay the administrative expenses of the OASI program from the OASI Revolving Fund.

**ESHB 2245: CLARIFYING PUBLIC EMPLOYEES' BENEFITS BOARD
ELIGIBILITY**

Prime Sponsor: Representative Cody

(SB 5869 Senator Prentice)

**Signed by the Governor*

- Clarifies the criteria for eligibility for state employee health benefits and lays down the rules in statute.
- Eligibility requirements vary depending on the type of employment, but most employees are eligible for benefits if they work at least 80 hours per month.

**ESHB 2254: CONCERNING CONSTRUCTION FINANCING FOR COLLEGES AND
UNIVERSITIES**

Prime Sponsor: Representative White

(SB 5842 Senator Fraser)

**Signed by the Governor*

- Permits higher education building accounts to be used to finance the construction of major capital projects on community college and regional university campuses.
- Allows the University of Washington and Washington State University to obtain more favorable rates on building account-financed bonds.

**ESHB 2278: CONCERNING THE SALES AND USE TAX EXEMPTION FOR
LIVESTOCK NUTRIENT MANAGEMENT EQUIPMENT AND
FACILITIES**

Prime Sponsor: Representative Pettigrew

**ESHB 2278 is incorporated in its entirety into SB 6170.*

**ESHB 2327: ELIMINATING OR REDUCING THE FREQUENCY OF REPORTS
PREPARED BY STATE AGENCIES**

Prime Sponsor: Representative

(SB 6149 Senator Regala)

**Signed by the Governor/partial veto*

- ~~Seventeen~~ Sixteen reports are eliminated, and the frequencies for another 13 are changed from annual to biannual. (PV)
- All remaining reports due to the Legislature must be submitted electronically and the Legislature will post them online.

HB 2328: REDUCING THE ADMINISTRATIVE COST OF STATE GOVERNMENT

Prime Sponsor: Representative Linville

(SB 6148 Senator Prentice)

**Signed by the Governor*

** SB 5460 provisions are similar to those in HB 2328.*

- Modifies legislation enacted earlier in the session (SB 5460) temporarily restricted spending for salary increases, hiring, personal services contracts, equipment purchases, and out-of-state travel and training.
- Various exceptions to these restrictions are provided.

HB 2331: CONCERNING THE EXISTING DOCUMENT RECORDING FEE FOR SERVICES FOR THE HOMELESS

Prime Sponsor: Representative Darneille

**Signed by the Governor*

- An existing document recording fee is increased from \$10 to \$30. The additional funds will be deposited into the Home Security Fund and used for homeless programs.
- The recording fees are only increased for the 2009-11 and 2011-13 biennia and do not apply to marriage, birth, death, or dissolution documents.

SHB 2339: REQUIRING THE DEPARTMENT OF LICENSING TO COLLECT A DONATION TO BENEFIT THE STATE PARKS SYSTEM AS PART OF MOTOR VEHICLE REGISTRATION UNLESS A VEHICLE OWNER OPTS NOT TO PROVIDE A DONATION

Prime Sponsor: Representative Kessler

**Signed by the Governor*

- Requires the Department of Licensing (DOL) to collect a \$5 donation from all vehicle owners at the time that they apply for, or are renewing, their vehicle registration unless an individual elects not to participate.
- DOL is required to ensure that the opt out donation is clear, visible, and prominently displayed in both paper and online renewals.
- The voluntary donation applies to registrations that are due on or after September 1, 2009.

SHB 2341: MODIFYING THE BASIC HEALTH PLAN PROGRAM

Prime Sponsor: Representative Cody

**Signed by the Governor*

- Prohibits individuals enrolled in medical assistance programs at the Department of Social and Health Services (DSHS) from being enrolled in the Basic Health Plan (BHP).
- Allows the Health Care Authority (HCA) to disenroll individuals on the BHP according to established criteria, such as income level, length of time on the program, or an individual's eligibility for other coverage.
- Encourages enrollees who have been continuously enrolled in the BHP for at least one year to complete a health risk assessment and participate in programs to improve health status.
- Suspends the requirement that the HCA and DSHS report annually on the employment status of BHP enrollees until November 2012.
- Creates a voluntary donation program for public employees to make contributions to the BHP.

SHB 2343: ACHIEVING SAVINGS IN EDUCATION PROGRAMS

Prime Sponsor: Representative Haigh

**Signed by the Governor*

- Makes the following K-12 programs subject to available funding: diagnostic assessments tools; certain classified staff training; certain professional development programs; inflationary adjustments to national board certification bonuses for the 2009-11 biennium; and certain teacher mentorship and assistance activities.

ESHB 2344: REGARDING RESIDENT UNDERGRADUATE TUITION

Prime Sponsor: Representative Haigh

- During academic years 2009-10 and 2010-11, the state may increase resident undergraduate tuition above the previous 7 percent cap in the Omnibus Appropriations Act.
- Institutions of higher education are required to notify students of tax credits available through the American Opportunity Tax.
- The Higher Education Coordinating Board convenes a group of stakeholders to examine tuition policy including an examination of high tuition, high aid model, differential tuition based on income, and other potential state tuition policies.
- The Joint Legislative Audit and Review Committee conducts a systemic performance audit of the public baccalaureate institutions.

SHB 2346: CONCERNING CRISIS RESIDENTIAL CENTERS

Prime Sponsor: Representative Kagi

**Signed by the Governor*

- A runaway youth may remain at a semi-secure or a secure crisis residential center not located in a juvenile detention facility for a maximum of 15 days per admission.
- A Department of Social and Health Services caseworker may take a runaway youth to a secure crisis residential center facility after notifying the youth's parents.

HB 2347: CONCERNING THE REVIEW OF SUPPORT PAYMENTS

Prime Sponsor: Representative Kagi

**Signed by the Governor*

- Removes the requirement for the Department of Social and Health Services (DSHS) to conduct an adoption support review every five years.
- The adoptive parent may, at any time, make a written request for an adoption support payment review and receive a review no later than 30 days from the request.

HB 2349: CONCERNING DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENTS

Prime Sponsor: Representative Cody

**Signed by the Governor*

- Limits Medicaid Disproportionate Share Hospital (DSH) payments to the extent that funds are appropriated specifically for this purpose and subjects payment to any conditions placed on those appropriations.

HB 2356: REVISING STUDENT ACHIEVEMENT FUND ALLOCATIONS

Prime Sponsor: Representative Haigh

**Signed by the Governor*

- Requires that disbursements from the Student Achievement Fund be subject to the per student rates established in the Omnibus Appropriation Act during the 2009-11 biennium.

EHB 2357: CONCERNING MODIFYING NURSING FACILITY MEDICAID PAYMENTS BY CLARIFYING LEGISLATIVE INTENT REGARDING THE STATEWIDE WEIGHTED AVERAGE, FREEZING CASE MIX INDICES, AND REVISING THE USE OF THE ECONOMIC TRENDS AND CONDITIONS FACTOR

Prime Sponsor: Representative Cody

**Signed by the Governor*

- Clarifies that the inflation factor used in the nursing home Medicaid payment rate methodology will not be compounded.

- Allows the Department of Social and Health Services to freeze the case mix information while implementing the new information technology system required by the Centers for Medicare and Medicaid Services.

EHB 2358: INCREASING CERTAIN LIQUOR LICENSE FEES LIMITED TO FEES FOR BEER AND/OR WINE RESTAURANTS; TAVERNS; SNACK BARS; COMBINED BEER AND WINE RETAILERS; GROCERY STORES; BEER AND/OR WINE SPECIALTY SHOPS; PASSENGER TRAINS, VESSELS, AND AIRPLANES; SPIRITS, BEER, AND WINE RESTAURANTS; SPIRITS, BEER, AND WINE PRIVATE CLUBS; BEER AND WINE PRIVATE CLUBS; AND PUBLIC HOUSES.

Prime Sponsor: Representative Conway

**Signed by the Governor*

- Specific retail liquor license and license endorsement fees are raised by 10.5 percent for the 2009-11 biennium.
- The 2009-11 fee increase revenue is not subject to the distribution otherwise specified for license fees and may be used only for the administration and enforcement of the affected licenses.

HB 2359: CONCERNING DELAYING THE IMPLEMENTATION DATE FOR PEER MENTORING FOR LONG-TERM CARE WORKERS

Prime Sponsor: Representative Cody

**Signed by the Governor*

- The requirement to offer on-the-job training or peer mentoring to long-term care workers is delayed until July 1, 2011.

SHB 2361: MODIFYING STATE PAYMENTS FOR IN-HOME CARE

Prime Sponsor: Representative Cody

**Signed by the Governor*

- Prohibits the Department of Social and Health Services (DSHS) from paying a home care agency for in-home personal care service if the care is provided by a family member provider; however, this prohibition does not apply if the provider's age exceeds that of the client.
- Allows the DSHS to take enforcement action against a home care agency that charges for hours which the DSHS is not authorized to pay.
- Beginning July 1, 2010, prohibits DSHS from paying a home care agency if the agency does not verify employee hours by electronic time keeping.

SHB 2362: PROVIDING SUPPORT FOR JUDICIAL BRANCH AGENCIES BY IMPOSING SURCHARGES ON COURT FEES AND REQUESTING THE SUPREME COURT TO CONSIDER INCREASES TO ATTORNEY LICENSING FEES

Prime Sponsor: Representative Kessler

**Signed by the Governor*

- Adds surcharges to filing fees in Superior, District, and small claims courts for the 2009-2011 biennium. The surcharges are \$30 for Superior Court, \$20 for District Court, and \$10 for small claims filings.
- The Justice Stabilization Trust Account is created and these surcharges are deposited into this account. Expenditures from this account can only be used to support judicial branch agencies and are subject to appropriation by the Legislature.

SHB 2363: TEMPORARILY SUSPENDING COST-OF-LIVING INCREASES FOR EDUCATIONAL EMPLOYEES

Prime Sponsor: Representative Linville

**Signed by the Governor*

- Initiative 732 is suspended for the 2009-11 fiscal biennium. The initiative, adopted by voters in November 2000, provides an annual cost-of-living adjustment to K-12 teachers and other public-school employees, as well as to academic employees of community and technical college districts and classified employees of technical colleges.

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