



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Edition No. 1 Supplement No. 13\*

FIFTY-EIGHTH LEGISLATURE

Thursday, January 29, 2004

18th Day - 2004 Regular

## SENATE

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## HOUSE

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### HOUSE

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HB 2324	Supp. 1	HB 2355	Supp. 1
HB 2325	Supp. 1	HB 2356	Supp. 1
HB 2326	Supp. 1	HB 2357	Supp. 1

\*To be discarded upon receipt of Edition No. 2 of the Legislative Digest and History of Bills

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**House Bills**

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**HB 1019-S2** by House Committee on State Government (originally sponsored by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove)

Protecting the identity of electronic toll payers. Revised for 2nd Substitute: Protecting identification of persons who pay tolls electronically.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Exempts the personally identifying information of persons who acquire and use transit passes transponders or other technology to facilitate payment of tolls, and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass, transponder, or other fare payment media.

Authorizes this information to also be disclosed in aggregate form at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only if the request is accompanied by a court order.

**-- 2004 REGULAR SESSION --**

Jan 22 SG - Majority; 2nd substitute bill be substituted, do pass.  
Jan 26 Passed to Rules Committee for second reading.

**HB 1840-S2** by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom)

Authorizing nonprofit corporations to participate in self-insurance risk pools.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Declares that chapter 48.62 RCW is intended to provide the exclusive source of authority to a local government entity or a nonprofit corporation to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services. However, local government entities and nonprofit corporations may not participate in any activity or program authorized under this chapter in violation of Article VIII, section 5 of the state Constitution.

Declares that this chapter shall be liberally construed to grant local government entities or nonprofit corporations maximum flexibility in self-insuring to the extent the self-insurance programs are operated in a safe and sound manner.

Declares that this chapter is intended to require prior approval for the establishment of every individual local government or nonprofit corporation self-insured employee health and welfare benefit program and every joint local

government or nonprofit corporation self-insurance program.

**-- 2004 REGULAR SESSION --**

Jan 23 FII - Majority; 2nd substitute bill be substituted, do pass.  
Jan 27 Passed to Rules Committee for second reading.

**HB 2298-S** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Hudgins and Benson; by request of Department of Agriculture)

Preventing the spread of animal diseases.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

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

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

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

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

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

Provides that, to show that access is denied, the director shall file with the court an affidavit or declaration containing a description of all attempts to notify and locate the owner or the owner's agent and to secure consent.

**-- 2004 REGULAR SESSION --**

Jan 20 AGNR - Majority; 1st substitute bill be substituted, do pass.  
Jan 22 Passed to Rules Committee for second reading.

**HB 2299-S** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn,

Newhouse, Clements, Hudgins and Benson; by request of Department of Agriculture)

Establishing a system of animal identification.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes the director to adopt rules: (1) To support the agriculture industry in meeting federal requirements for the country-of-origin labeling of meat; and

(2) To implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.

Authorizes the director to cooperate with and enter into agreements with other states and agencies of federal government to carry out such a system and to promote consistency of regulation.

**-- 2004 REGULAR SESSION --**

Jan 21 AGNR - Majority; 1st substitute bill be substituted, do pass.

Jan 22 Passed to Rules Committee for second reading.

**HB 2300-S** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture)

Applying pesticides.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes provisions relating to the application of pesticides.

Takes effect January 1, 2005.

**-- 2004 REGULAR SESSION --**

Jan 20 AGNR - Majority; 1st substitute bill be substituted, do pass.

Jan 22 Passed to Rules Committee for second reading.

**HB 2307-S** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle)

Concerning appointment to a water conservancy board.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

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

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

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

**-- 2004 REGULAR SESSION --**

Jan 27 AGNR - Majority; 1st substitute bill be substituted, do pass.

**HB 2321-S** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of Commissioner of Public Lands)

Clarifying the definitions of certain natural resources terms.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

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

**-- 2004 REGULAR SESSION --**

Jan 27 AGNR - Majority; 1st substitute bill be substituted, do pass.

**HB 2340-S** by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Sullivan and Mielke)

Regarding electrical transmission.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

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

**-- 2004 REGULAR SESSION --**

Jan 21 TTE - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Jan 26 Passed to Rules Committee for second reading.

**HB 2354-S** by House Committee on Health Care (originally sponsored by Representatives Kristiansen, McMahan, Newhouse, Roach, McDonald, Sullivan, Ahern, G. Simpson, Pearson, Morrell, Bailey and Benson)

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

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that premiums shall be equal for all policyholders and certificate holders under a standardized medicare supplement benefit plan form, except that an issuer may vary premiums based on method and frequency of payment including automatic deposit of premiums and may develop no more than two rating pools that distinguish between an insured's eligibility for medicare by reason of:

(1) Age; or

(2) Disability or end-stage renal disease.

**-- 2004 REGULAR SESSION --**

Jan 22 HC - Majority; 1st substitute bill be substituted, do pass.

Jan 26 Passed to Rules Committee for second reading.

**HB 2356-S** by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Hinkle, Buck, Condotta, O'Brien, Pearson and Shabro)

Allowing off-road vehicles on nonhighway roads.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads.

Declares that it is lawful to operate an off-road vehicle upon a nonhighway road and in parking areas serving designated off-road vehicle areas unless the responsible governing body, including state, federal, or local authorities, prohibits the use of off-road vehicles.

Declares that an off-road vehicle operated on a nonhighway road under chapter 46.09 RCW is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

Provides that, except as specified in this act, no person under sixteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state.

Authorizes persons under sixteen years of age to operate an off-road vehicle on a nonhighway road designated for off-road vehicle use under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter 46.20 RCW.

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

**-- 2004 REGULAR SESSION --**

Jan 20 FEP - Majority; 1st substitute bill be substituted, do pass.

Jan 23 Passed to Rules Committee for second reading.

**HB 2382-S** by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Nixon, Anderson, Ruderman, Chase, Schual-Berke, Miloscia, Hudgins, Wood, Morrell, Santos, Moeller and Kagi)

Improving articulation and transfer between institutions of higher education.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that community and technical colleges play a vital role for students obtaining baccalaureate degrees. In 2002, more than forty percent of students graduating with a baccalaureate degree had transferred from a community or technical college.

Finds that demand continues to grow for baccalaureate degrees. Increased demand comes from larger numbers of students seeking access to higher education and greater expectations from employers for the knowledge and skills needed to expand the state's economy. Community and technical colleges are an essential partner in meeting this demand.

Finds that current policies and procedures do not provide for efficient transfer of courses, credits, or prerequisites for academic majors. Furthermore, the state's public higher education system must expand its capacity to enroll transfer students in baccalaureate education.

Directs the higher education coordinating board to take a leadership role in working with the community and technical colleges and four-year institutions to ensure efficient and seamless transfer across the state.

Declares an intent to build clearer pathways to baccalaureate degrees, improve statewide coordination of transfer and articulation, and ensure long-term capacity in the state's higher education system for transfer students.

Provides that, beginning January 10, 2005, the higher education coordinating board must submit a progress report on the development of transfer associate degrees to the higher education committees of the house of representatives and the senate. The first progress report must include measurable benchmark indicators to monitor the effectiveness of the initiatives in improving transfer and baseline data for those indicators before the implementation of the initiatives.

Requires the higher education coordinating board to create a statewide system of course equivalency for public institutions of higher education, so that courses from one institution can be transferred and applied toward academic majors and degrees in the same manner as equivalent courses at the receiving institution.

Directs the higher education coordinating board to make a progress report on the development of the course equivalency system to the higher education committees of the senate and house of representatives by January 10, 2005. The report must include options and cost estimates for ongoing maintenance of the system.

Requires the higher education coordinating board to conduct a gap analysis of upper division capacity in the public higher education system to accommodate transfer students. The analysis must address the total number of enrollment slots, specific academic majors, and geographic location of demand and supply of upper division capacity.

Directs the board to examine the full range of options, including costs, to close the gap between demand and supply of upper division capacity. Options include expansion of main campuses, branch campuses, off-campus education centers, distance learning, and other strategies.

Requires the board to make a progress report by January 10, 2005, and a final report by December 10, 2006, with recommendations to the higher education committees of the senate and house of representatives for how the state should expand upper division capacity in various locations across the state.

**-- 2004 REGULAR SESSION --**

Jan 21 HE - Majority; 1st substitute bill be substituted, do pass.

Jan 22 Placed on second reading.

Jan 23 Referred to Appropriations.

**HB 2439-S** by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Campbell, Cooper, Kenney, Wood, D. Simpson, Chase, G. Simpson, Moeller, Morrell, Hudgins and Dickerson; by request of Governor Locke and Washington State Apprenticeship and Training Council)

Providing for apprenticeship utilization requirements on public works projects.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, for all public works estimated to cost one million dollars or more, all specifications shall require

that no less than fifteen percent of the labor hours be performed by apprentices.

Authorizes awarding agency directors to adjust the requirements of this act for a specific project for the following reasons: (1) The demonstrated lack of availability of apprentices in specific geographic areas;

(2) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation;

(3) Participating contractors have demonstrated a good faith effort to comply with the requirements of this act; or

(4) Other criteria the awarding agency director deems appropriate, which are subject to review by the office of the governor.

Applies only to public works contracts awarded by the state. However, this act does not apply to contracts awarded by state four-year institutions of higher education, state agencies headed by a separately elected public official, or the department of transportation.

Provides that, at the request of the senate commerce and trade committee, the house of representatives commerce and labor committee, or their successor committees, and the governor, the department of general administration and the department of labor and industries shall compile and summarize the agency data and provide a joint report. The report shall include recommendations on modifications or improvements to the apprentice utilization program and information on skill shortages in each trade or craft.

**-- 2004 REGULAR SESSION --**

- Jan 22 CL - Majority; 1st substitute bill be substituted, do pass.  
 Jan 26 Passed to Rules Committee for second reading.  
 Jan 27 Rules Committee relieved of further consideration. Placed on second reading.

**HB 2485-S** by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell, Newhouse, Alexander, Jarrett, Moeller, Sommers, Kagi, Upthegrove, Schual-Berke and Darneille)

Revising the rate of interest on certain tort judgments.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the rate of interest on certain tort judgments.

**-- 2004 REGULAR SESSION --**

- Jan 20 JUDI - Majority; 1st substitute bill be substituted, do pass.  
 Minority; do not pass.  
 Jan 22 Referred to Appropriations.

**HB 2489-S** by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong)

Concerning nonhighway and off-road vehicles.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to nonhighway and off-road vehicles.

**-- 2004 REGULAR SESSION --**

- Jan 20 FEP - Majority; 1st substitute bill be substituted, do pass.  
 Jan 26 Passed to Rules Committee for second reading.

**HB 2531-S** by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, McIntire, Dickerson, Hatfield, Rockefeller, Schual-Berke, Moeller, Chase, Conway and Wood)

Expanding authority for regional transportation investment districts.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires that, to proceed with developing a plan, including submission of a plan to county legislative authorities for placement on a ballot, at least two contiguous counties must be included in the plan.

Provides that, for counties planning under this act, the planning committee must also include mayors or city council members of cities within the district so that the proportional membership on the planning committee in terms of members with weighted votes reflects the relative population of persons living within the respective jurisdictions.

Requires the planning committee to, in counties identified in RCW 36.120.030(1), consult regularly with, and seek input from, the county executive of each participating county and the mayor and city legislative authority of the largest city in each participating county and any other cities over one hundred thousand in population.

Authorizes a regional sales and use tax, as specified in RCW 82.14.430, of up to 0.2 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district. The proceeds of this tax may be spent only for public transportation purposes, high-occupancy vehicle systems as defined in RCW 81.100.020, and commute trip reduction programs.

Declares that, in authorizing these revenue sources, it is the intent of the legislature to provide a range of options that can be tailored to meet the transportation needs identified by local elected officials, with voter approval. The legislature does not intend that all local option tax sources will be used by a single district, nor that each revenue source will necessarily be imposed to its maximum limit.

Provides that, notwithstanding any provision to the contrary in chapter 36.120 RCW, a regional transportation investment district may impose vehicle tolls on local and regional arterials with the approval of the transportation commission, or its successor, and upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in this chapter. These tolls may be imposed to generate revenue to fund the regional transportation investment plan.

Provides that, notwithstanding any provision to the contrary in chapter 47.56 RCW, a regional transportation investment district may impose vehicle tolls on either Lake Washington bridge upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in chapter 36.120 RCW and RCW 47.56.076.

Provides that a regional transportation investment district may impose a sales and use tax on motor vehicle fuel

and special fuel as defined in RCW 82.36.010 and 82.36.020 in accordance with chapter 82.14 RCW and with RCW 36.120.050. The tax is in addition to other taxes authorized by law upon the occurrence of any taxable event within the county. The tax may not be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 7.5 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax and must be in one-tenth percent increments. The tax is subject to the approval of a majority of the voters voting on the tax.

Authorizes the legislative authority of a regional transportation investment district to impose a charge based upon vehicle miles traveled. This charge may be, but is not limited to, a charge upon the vehicle miles traveled within the district by a vehicle, upon vehicle miles traveled within certain corridors in the district, or upon total vehicle miles traveled by a vehicle registered to a person whose legal residence is within the district.

Declares that the mileage charge under this act is subject to the approval of the transportation commission or its statutory successor and of a majority of the voters within the district boundaries voting on formation of the district. The mileage charge must be part of the investment plan of the district. A district may not simultaneously impose a charge under this act and a local option fuel tax under RCW 82.80.120.

**-- 2004 REGULAR SESSION --**

Jan 26 TR - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.

**HB 2546-S** by House Committee on Finance (originally sponsored by Representatives McIntire, Morris, Hunter, Ruderman, Kessler, Lovick, Hunt, Grant, Hatfield, Fromhold, Clibborn and Clements; by request of Governor Locke)

Modifying high technology and research and development tax incentive provisions.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises high technology and research and development tax incentive provisions.

**-- 2004 REGULAR SESSION --**

Jan 23 FIN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Jan 26 Placed on second reading.

**HB 3102** by Representatives Wood, Ahern and Ormsby

Modifying the definition of "lodging business" for tourism promotion areas.

Declares that "lodging business" means a business held out to the public to be an inn, hotel, motel, or public lodging house in which forty or more rooms are furnished for hire to accommodate transient guests and whose lodging services are taxable by the state under chapter 82.08 RCW.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Trade & Economic Development.

**HB 3103** by Representatives Kenney, Cox, Fromhold, Priest, Morrell, Hudgins, McCoy, McDermott, Haigh, G. Simpson and Santos

Revising provisions for higher education.

Declares that the purpose of the board is to: (1) Develop a statewide strategic master plan for higher education and continually monitor state and institution progress in meeting the vision, goals, priorities, and strategies articulated in the plan;

(2) Based on objective data analysis, develop and recommend statewide policies to enhance the availability, quality, efficiency, and accountability of public higher education in Washington state;

(3) Administer state and federal financial aid and other education services programs in a cost-effective manner;

(4) Serve as an advocate on behalf of students and the overall system of higher education to the governor, the legislature, and the public; and

(5) Coordinate with the governing boards of the two and four-year institutions of higher education, the state board for community and technical colleges, the work force training and education coordinating board, and the superintendent of public instruction to create a seamless system of public education for the citizens of Washington state geared toward student success.

Repeals provisions of Title 28B RCW.

Repeals RCW 28A.305.280.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Higher Education.

**HB 3104** by Representatives Bailey, Benson and McDonald

Offering health insurance to small employers.

Revises provisions relating to access to health insurance for employers and their employees.

Repeals RCW 48.43.035.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Health Care.

**HB 3105** by Representatives Mastin, Grant, Chandler and Hinkle

Modifying water rights for irrigation purposes.

Provides that, if an application filed or action taken under this act involves only a change in the point of withdrawal of the right, a change in the place of use of the right, or both such changes, and the purpose of use of the right was and remains the irrigation of one or more crops, the quantity of water authorized to be used under such a change is the same as the quantity of water authorized for use under the right before the change.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture & Natural Resources.

**HB 3106** by Representatives Mastin, Grant, Linville, Schoesler, Hinkle, Newhouse, Chandler and Delvin

Concerning the division of existing surface or ground water rights.

Provides that, at the request of the holder or holders of the right, the department shall divide the water right into two or more water rights. If the water right is held by more than one person, such a division of the right may include dividing the right among the various holders of the right.

Declares that such a division of the right does not constitute a change, transfer, or amendment of the water right and a calculation of an annual consumptive quantity of water under RCW 90.03.380(1) does not apply to such a division.

Declares that the division of a water right under the authority of this act does not constitute an adjudication of the right to use water as between the water right holder or holders and the state or as between the water right holder or holders and persons with other water rights.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture & Natural Resources.

**HB 3107** by Representatives Cox, Grant, Schoesler and McMorris

Allowing for regional programs to provide for the recovery of fish runs.

Recognizes the need to address listings that are made under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) in a way that will make the most efficient uses of existing regional efforts.

Finds that the southwest Washington pilot program created by the legislature in 1998 for regional fish recovery in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties is a successful model that should be used for other regional fish recovery programs.

Declares an intent to address statewide fish listings in a manner that takes advantage of all state and local efforts, and in a manner consistent with the lessons learned in the southwest Washington pilot program.

Establishes a program for local or regional fish recovery for Asotin, Columbia, Garfield, Walla Walla, and Whitman counties. The management board created under this act is responsible for the operation, funding, support, and jurisdiction for the development of: (1) Salmon and steelhead recovery plans;

(2) Implementation of the recovery plan; and

(3) Other programs and projects as deemed necessary for the recovery of fish.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Fisheries, Ecology & Parks.

**HB 3108** by Representatives Conway and Chase

Concerning oversight of industrial insurance premium rates.

Provides that, within ten working days after the department files proposed rules adopting industrial insurance rates, the department shall, at the request of either the labor members or the business members of the workers' compensation advisory committee, or both, contract for an independent actuarial audit of the rate-setting process.

Declares that the scope of the audit may include, but is not limited to, a review of whether the assumptions used by the department in setting rates are appropriate to ensure actuarial solvency of the accident and medical aid funds as required in RCW 51.16.035, and whether the department's rate-setting process is appropriately designed to limit premium rate fluctuations.

Requires the results of the actuarial audit, and any auditor recommendations, to be reported to the workers' compensation advisory committee, the governor, and the appropriate committees of the legislature.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Labor.

**HB 3109** by Representatives Linville and Rockefeller

Funding for forest fire protection.

Amends RCW 76.04.610 relating to funding for forest fire protection.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture & Natural Resources.

**HB 3110** by Representatives Cox, Haigh, Schoesler and Armstrong

Providing for an emergency school repair and renovation account.

Creates the Washington emergency school repair and renovation grant program to help class two school districts pay for any nonrecurring costs associated with urgent facilities repairs and renovations related to health and safety risks, fire and building code deficiencies, access for disabled students, and asbestos abatement or removal.

Requires the office of the superintendent of public instruction to administer the program.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Education.

**HB 3111** by Representative Chase

Promoting population sustainability.

Directs the secretary of health to develop and distribute a pamphlet or other educational material that emphasizes the benefits and importance of couples limiting themselves to two or fewer children to promote population sustainability.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Health Care.

**HB 3112** by Representatives Cooper and D. Simpson

Concerning marine fuel facilities.

Amends RCW 88.46.010 and 90.56.010 relating to marine fuel facilities.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Fisheries, Ecology & Parks.

**HB 3113** by Representatives Cooper, Conway, McDermott, Dickerson, Hunt, Cody, Sullivan, Chase, Kenney, Haigh and G. Simpson

Regarding requiring bargaining over past practices in ferry employee collective bargaining.

Provides that ferry system management and ferry system employee organizations, through their collective

bargaining representatives, shall meet at reasonable times to negotiate in good faith with respect to wages, hours, working conditions, insurance and health care benefits as limited by RCW 47.64.270, any changes in the past practices of ferry system management that are related to any of these subjects, and other matters mutually agreed upon.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Labor.

**HB 3114** by Representatives Sommers, Sullivan, O'Brien, Cooper and Chase

Establishing the composition and jurisdiction of city and county disability boards.

Provides that each county shall establish a disability board having jurisdiction over all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established.

Declares that all fire fighters and law enforcement officers employed by or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established are eligible for election.

Provides that, if there are no fire fighters under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers eligible to vote. If there are no law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible representative shall be elected by the fire fighters eligible to vote.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Appropriations.

**HB 3115** by Representatives Kagi, Boldt, Roach and Darneille

Authorizing appointment of expert evaluators in proceedings involving child dependency or termination of parental rights.

Authorizes the fact-finder to order expert evaluations of parties. Expert evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the state, and parents' counsel, and, if the child is to be evaluated, by counsel for the child. If no agreement can be reached, the court shall select the expert evaluator.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Children & Family Services.

**HB 3116** by Representatives Murray, Cairnes, Sehlin, Sommers, McIntire, Lovick, Hatfield, Kenney, Morrell and Santos

Modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers.

Revises tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Finance.

**HB 3117** by Representatives Wallace, D. Simpson, Linville, Morrell, G. Simpson and Santos

Increasing small business tax relief.

Increases small business tax relief to forty dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Trade & Economic Development.

**HB 3118** by Representatives McIntire, Hunter, Santos, Conway, Chase, D. Simpson, Linville, Morrell and G. Simpson

Requiring formal evaluation of the impact of fiscal changes on individuals and businesses.

Requires the office of financial management to, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of a tax incidence note for any bill or resolution that increases, decreases, or redistributes state government revenues for any state tax or local tax administered by the state by more than ten million dollars per fiscal year.

Provides that a tax incidence note shall be a written report describing who would experience the fiscal burden or benefit imposed by a proposed change. The note shall indicate the tax incidence for the first full year in which the bill or resolution will be effective.

Establishes a tax incidence note advisory committee.

Provides that, in January of every odd-numbered year, beginning January 2007, the department shall submit to the legislature before the regular session a report on the tax incidence of state and local taxes administered by the department.

Requires the report to present information on the distribution of the tax burden: (1) By overall income distribution, using a system-wide tax incidence measure with appropriate measures of equality and inequality;

(2) By income classes, including at a minimum deciles of the income distribution; and

(3) By other appropriate taxpayer characteristics.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Finance.

**HB 3119** by Representatives Conway, Bush and Lantz

Requiring a super-majority of the legislature increase betting limits.

Declares that in establishing a maximum wager, money, or other thing of value that may be wagered or contributed by a player in any gambling activities subject to this act, it is the intent that any such lottery or gambling activity involving a wager or contribution in excess of the maximum authorized amount is prohibited.

Provides that any increase in the maximum authorized wager amount after the effective date of this act thus constitutes the elimination of that prohibition and, under Article II, section 24 of the state Constitution, requires an affirmative vote of sixty percent of the members of each house of the legislature.



**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Labor.

**HB 3120** by Representatives Sullivan and Morris

Changing provisions relating to petitions for review by the state under the growth management act.

Provides that the superior court shall directly review a petition for review filed according to RCW 36.70A.310. Any petition for review filed according to RCW 36.70A.310 shall be filed in superior court within sixty days after publication by the legislative body of the county or city. A copy of the petition for review shall be filed with the board within sixty days after publication by the legislative body of the county or city. For the purposes of this act, the date of publication shall be determined as provided in RCW 36.70A.290(2).

Requires the board to file with the superior court a certificate of removal to superior court for any petition or petitions filed with the board according to RCW 36.70A.280 that involve the review of the same comprehensive plan or the same development regulation or regulations as the petition for review filed in superior court according to RCW 36.70A.310 and this act.

Directs the board to file the certificate of removal within ten days after receiving the copy of the petition for review filed with the superior court according to RCW 36.70A.310 and this act. The board shall file with the certificate of removal all petitions for review identified in the certificate as well as any orders entered by the board and other documents in the board's files regarding the action or actions. The superior court shall obtain exclusive jurisdiction over the petition or petitions when it receives the certificate of removal.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Local Government.

**HB 3121** by Representatives Sullivan, Crouse and Morris; by request of Utilities & Transportation Commission and Department of Social and Health Services

Revising the Washington telephone assistance program. Revises the Washington telephone assistance program. Repeals RCW 80.36.440.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Technology, Telecommunications & Energy.

**HB 3122** by Representatives Romero and Dunshee

Expanding the geographic jurisdiction of the growth management hearings boards.

Expands the jurisdiction of the growth management hearings boards to include all counties and cities in Washington state.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Local Government.

**HB 3123** by Representatives G. Simpson, Dunshee, Clibborn and Chase

Concerning the effect of the expiration of remand periods and determinations of invalidity for the purposes of growth management.

Clarifies the effect of the expiration of remand periods and determinations of invalidity.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Local Government.

**HB 3124** by Representatives Miloscia and Jarrett

Allowing a general contractor/construction manager to perform more than thirty percent of a project when it involves tunneling.

Provides that the value of subcontract work performed by the general contractor/construction manager shall not exceed thirty percent of the negotiated maximum allowable construction cost unless the subcontract is for constructing an underground wastewater conveyance system or other wastewater-related tunneling project.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to State Government.

**HB 3125** by Representatives McMorris, Linville, Schoesler and Sump

Developing a statewide plan to address forest health.

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

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

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

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

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

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

Makes appropriations to carry out the purposes of the act.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture & Natural Resources.

**HB 3126** by Representative Alexander

Requiring that WorkFirst recipients employed by counties be paid at least twice monthly.

Provides that recipients of the WorkFirst program, authorized in chapter 58, Laws of 1997, who are employed by a county shall be paid at least twice monthly.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Local Government.

**HB 3127** by Representative McMorris

Evaluating armed service experience in specialized electrical fields.

Requires the department to use the following criteria for evaluating the equivalence of armed service experience. The department may allow armed service experience as a substitute for work experience if the applicant has armed service experience in a specialized electrical field that is similar to a specialty recognized by the department in rule.

Provides that armed service experience allowed as a substitute for work experience should include, but is not limited to, building construction experience, and nuclear, marine, or other shipboard experience.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Labor.

**HB 3128** by Representatives Lovick, O'Brien, Kagi, Lantz, Moeller, Darneille, Ormsby, Chase, Cody, McCoy, Edwards, Hudgins, Schual-Berke and Ruderman

Prohibiting weapons in the state legislative building.  
Prohibits weapons in the state legislative building.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Judiciary.

**HB 3129** by Representatives Holmquist, McMorris and Hinkle

Prohibiting the total maximum daily load process for the Colville river, Kettle river, and Moses Lake until certain requirements are met.

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

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

Declares that, for purposes of this act, "proceed with the total maximum daily load process" means: (1) Declaring Colville river, Kettle river, and Moses Lake to be impaired water bodies for purposes of listing the water bodies under the provisions of section 303(d) of the federal clean water act;

(2) Completing a public process related to establishing one or more total maximum daily loads for Colville river, Kettle river, and Moses Lake;

(3) Including Colville river, Kettle river, and Moses Lake on any lists of impaired water bodies to be submitted to the United States environmental protection agency; and

(4) Proceeding with the development, completion, or distribution of a summary implementation strategy for Colville river, Kettle river, and Moses Lake or receiving waters.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture & Natural Resources.

**HB 3130** by Representative Dunshee

Permitting school regulation of student speech and expression.

Requires that, by December 31, 2004, within existing resources, each school district board of directors must adopt or amend as necessary a written policy making reasonable provisions for students to exercise freedom of speech and expression, and freedom of the press on school grounds. The policy shall describe the rights and responsibilities of students regarding: (1) The use of school bulletin boards;

(2) The distribution of printed material or petitions;

(3) Self-expression in official school publications, and other publications;

(4) The wearing of badges, buttons, and other insignia;

and

(5) The use of other school facilities for self-expression.

Declares that the policy required under this act must include the following provisions: (1) Speech and expression shall be prohibited only if it: (a) Is obscene, libelous, or slanderous; (b) incites students and creates a clear and present danger of committing unlawful acts on school premises or violating school regulations; or (c) creates a substantial disruption to the orderly operation of the school;

(2) Student editors of official school publications are responsible for assigning and editing the news, features, and editorial content of their publications, subject to the limitations of this act; and

(3) Faculty advisers must supervise the student production staff of official school publications, maintain professional standards of journalism, and ensure that the provisions of the school policy are not violated.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Education.

**HB 3131** by Representatives Tom, Priest and Lantz

Providing for insured warranty standards for condominiums.

Declares that no declarant, affiliate of a declarant, or construction professional is liable to a unit owner or an association for breach of any implied warranty set forth in RCW 64.34.445, or otherwise with respect to a construction defect in the unit owner's unit, or in the common or limited common elements in the condominium if: (1) Every unit owned by a person other than a declarant has a qualified warranty issued to the unit purchaser; and

(2) The association has been issued a qualified warranty with respect to the common elements for the condominium on or before the transition date.

Provides that, if a construction professional agrees on terms satisfactory to the qualified insurer to partially or fully indemnify the qualified insurer with respect to a construction defect caused by the construction professional, and agrees with the declarant and the qualified insurer to be joined in an

arbitration under the terms of the qualified warranty, the liability of the construction professional for the construction defect caused by him or her is limited to damages recoverable under the terms of the qualified warranty for the construction defect.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Judiciary.

**HB 3132** by Representatives Rockefeller, D. Simpson, Lantz and Haigh

Granting school district boards authority to approve restructuring of alternative schools.

Authorizes the board of directors of a school district to approve a plan submitted by the principal of an alternative school for restructuring the alternative school consistent with the exemptions and the applicable state and federal laws in this act.

Provides that a school board may approve a proposed restructuring plan under this act only after holding at least one public hearing and finding that: (1) The proposed plan is likely to provide more opportunities for students to meet state and federal academic achievement goals;

(2) The proposed plan is designed to ensure compliance with the applicable state and federal laws and other requirements in this act; and

(3) A sufficient number, as determined by the school board, of the school's employees and parents support the proposed restructuring of the school.

Provides that an approved restructuring plan for an alternative school may exempt the school from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules as provided in this act, and those statutes and rules identified in the school's approved restructuring plan.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Education.

**HB 3133** by Representatives Fromhold, Orcutt, Kessler, Hatfield, Grant and Newhouse

Modifying promoters requirements for vendor tax registration.

Amends RCW 82.32.033 relating to promoters duties with respect to vendor tax registration.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Finance.

**HB 3134** by Representatives Schoesler, Armstrong, Ahern, Crouse, Holmquist, Ericksen, McMahan, Clements, McMorris, Condotta and Schindler

Requiring use of the occupational safety and health act.

Makes the following findings: (1) Fewer than half of the states in the United States operate job safety and health programs under section eighteen of the occupational safety and health act;

(2) Fewer than half of the employees in the Washington industrial safety and health act services division at the department of labor and industries actually conduct workplace safety inspections;

(3) Washington's workplaces are no safer than states that rely exclusively on the occupational safety and health administration to conduct workplace safety inspections; and

(4) More than thirty million dollars annually in workers' compensation funds are used to pay for this unnecessary program.

Declares that the purpose of this act is to no longer administer Washington's state plan under section eighteen of the occupational safety and health act until the occupational safety and health act is repealed.

Provides that, in the 2005 legislative session, the legislature must pass a joint memorial that petitions congress for amendments to the federal occupational safety and health act. The amendments should extend the scope of the occupational safety and health act to include public employees.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Commerce & Labor.

**HB 3135** by Representatives Upthegrove and Schual-Berke

Implementing an area-wide soil contamination initiative.

Finds that the area-wide soil contamination task force report provides recommendations for a statewide strategy for addressing area-wide soil contamination.

Finds it in the public interest to implement an area-wide soil contamination initiative that contains a broad-based approach to education and awareness, identifies areas where area-wide soil contamination is located, provides guidance on assessing properties, removes barriers to testing private property, and provides for the implementation of steps to protect public health, especially children.

Directs the department to work with the department of health, the department of agriculture, the department of community, trade, and economic development, and local governments to increase knowledge of area-wide soil contamination through a broad-based education and awareness campaign. The education campaign shall focus on persons and organizations that care for children including parents, educators, health care providers, and child care providers.

Requires the elements of the education campaign to include but are not limited to providing: (1) Information on where area-wide soil contamination is most likely to occur;

(2) Information on the health risks associated with exposure to area-wide soil contamination;

(3) Information on options for conducting voluntary individual property evaluations;

(4) Guidance on how to collect and analyze soil samples;

(5) Measures a person can take to reduce the likelihood of exposure to arsenic and lead in soil; and

(6) Educational materials for local permitting and land-use planning departments to educate developers and others regarding area-wide soil contamination.

Appropriates the sum of one million five hundred thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 2005, from the local toxics control account--state to the department of ecology for the purposes of implementing this act.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Fisheries, Ecology & Parks.

**HB 3136** by Representatives D. Simpson, Chase, Sullivan and McCoy

Providing for a study of school information available to immigrant families.

Provides that, by October 31, 2005, the superintendent of public instruction shall report to the governor and the legislative education and fiscal committees on the feasibility of having the state provide direct support to school districts for school information provided to parents and community members in the languages most commonly understood by large segments of the districts' immigrant parents.

Provides that, in preparing the report, the superintendent of public instruction shall work in cooperation with the Washington state school directors association, organizations concerned with the language barriers faced by immigrant parents, and other interested organizations.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Education.

**HB 3137** by Representatives Jarrett, Hunter, Tom, Lantz, Hankins and Linville

Providing for a basic education.

Provides that, beginning September 1, 2006, basic education includes the opportunity to attend a school in which ninety percent or more of assessed students achieve at least one year's academic gain for each year the students are enrolled in Washington's public schools. The gain shall be measured by the results of the third, fourth, fifth, sixth, seventh, eighth, and high school Washington assessments of student learning in reading and mathematics.

Provides that, beginning September 1, 2006, the superintendent of public instruction shall annually report to school districts information on the yearly academic gain of individual students as measured by the assessments in this act.

Requires that, by October 31, 2005, the superintendent of public instruction shall report to the governor and house of representatives and senate education committees on any laws that need to be amended to ensure that school districts have the tools and regulatory flexibility to provide students with a basic education that includes the requirements of this act.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Education.

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**House Joint Memorials**

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**HJM 4041** by Representatives Clements, Skinner, Kenney, Hudgins, Santos and Hinkle

Requesting relief for the Aganda family of Selah, Washington.

Requests relief for the Aganda family of Selah, Washington.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to State Government.

**HJM 4042** by Representatives Linville, Jarrett, Hunt, Chase, Schual-Berke, Kenney and Rockefeller; by request of Superintendent of Public Instruction

Requesting changes in the No Child Left Behind Act.

Requests that the President and Congress of the United States work together with state legislatures and the United States Department of Education to improve language in the No Child Left Behind Act of 2001, and regulations concerning its implementation, to make improvements to address the issues raised in this Memorial, and to grant flexibility and changes that will ensure successful nationwide implementation of the No Child Left Behind Act.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Education.

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**Senate Bills**

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**SB 6642** by Senators Stevens, Hargrove, Schmidt, Carlson, Mulliken, Hewitt, Roach and McAuliffe

Ordering family group conferences following shelter care hearings.

Promotes family group conferences following shelter care hearings.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Children & Family Services & Corrections.

**SB 6643** by Senators Stevens, Hargrove, Schmidt and Carlson

Providing guidelines for family visitation for dependent children.

Declares that visitation is the right of the family, including the child and the parent. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify.

Provides that visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

Provides that the court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available and the child's safety would not be compromised. Supervision of visitation shall not be required except when necessary to protect the child's health, safety, or welfare.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Children & Family Services & Corrections.

**SB 6644** by Senators Rasmussen, Thibaudeau, Winsley, Carlson, Deccio, Shin, Keiser, Franklin, B. Sheldon, Kohl-Welles and McAuliffe

Providing for counting nonschool years of service for educational associate positions.

Provides that, beginning in the 2004-2005 school year, the determination of years of service for occupational

therapists, physical therapists, speech-language pathologists, audiologists, school nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, registered nurses, social workers, counselors, or psychologists.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Education.

**SB 6645** by Senators Kastama, Rasmussen, Haugen and Shin

Concerning health care liability.  
Revises provisions relating to health care liability.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Judiciary.

**SB 6646** by Senators Murray, Kline, Sheahan, Poulsen, Swecker, Kohl-Welles and Benton

Providing tax incentives for alternative fuels.  
Provides tax incentives for alternative fuels.  
Repeals RCW 82.68.040.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Natural Resources, Energy & Water.

**SB 6647** by Senators Murray, Kline, Sheahan, Poulsen, Swecker, Rasmussen and McAuliffe

Protecting student health by providing incentives for the use of clean-burning alternative fuels in school buses.

Provides that, notwithstanding any provision of law to the contrary, every student transportation program, whether operated by a school district or a commercial chartered bus service, is exempt from the provisions of chapter 82.38 RCW requiring the payment of special fuel taxes on biodiesel fuel, natural gas, and liquefied petroleum gas if the biodiesel fuel is used at a minimum of a twenty percent blend by volume.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Natural Resources, Energy & Water.

**SB 6648** by Senators Murray, Kline, Sheahan, Poulsen and Swecker

Authorizing the use of high-occupancy vehicle lanes by low-emission vehicles.

Authorizes the use of high-occupancy vehicle lanes by low-emission vehicles.

Directs the department of transportation to conduct a study on how any existing high-occupancy toll lane program or value pricing pilot program may be expanded to include vehicles whose combined city and highway average gasoline mileage is at least twice the national average for passenger cars, as that figure is determined by the United States environmental protection agency, if such vehicles were to receive a fee waiver or discount.

Requires the department to report its findings to the legislature by January 1, 2005, or at the conclusion of the department's study of high-occupancy toll lanes under the United States federal highway's value pricing pilot program, whichever occurs first.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Highways & Transportation.

**SB 6649** by Senators Benton, Keiser, Berkey and Winsley; by request of Department of Labor & Industries

Retaining fees for mobile/manufactured homes and factory built housing and commercial structures.

Authorizes retaining fees for mobile/manufactured homes and factory built housing and commercial structures.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Financial Services, Insurance & Housing.

**SB 6650** by Senators Keiser and Hewitt; by request of Department of Labor & Industries

Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work.

Provides the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Commerce & Trade.

**SB 6651** by Senators Deccio and Parlette

Mandating the creation of a medical necessity definition.

Requires the department of social and health services to establish an evidence-based medical necessity definition and decision-making process for its medical assistance programs.

Finds that: The robust development and availability of new drugs, treatments, and therapies requires greater efforts to assure that medical assistance clients will not be harmed or injured by inappropriate service utilization; the growing limitations on available resources require funds be spent in a cost-efficient and effective manner to improve the health of clients; the department's current definition of medical necessity for determining services under chapter 74.09 RCW is outdated and inadequate; and certain orders in Washington state superior court cases unduly restrict the department from adopting necessary rule modifications, which results in inefficiencies and possible harm to clients.

Declares an intent that the department adopt a new definition and decision-making process for the term "medical necessity" for use in programs authorized under this chapter that, to the extent possible, improves health status and avoids harm to clients.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Health & Long-Term Care.

**SB 6652** by Senators Poulsen, Keiser, Fraser, Kline, Franklin, Kohl-Welles, Prentice, Doumit, Regala, B. Sheldon, Spanel and Brown

Requiring a tax expenditure report as part of the biennial budget documents.

Requests the governor to prepare a tax expenditure report as part of the biennial budget documents under RCW 43.88.030. The tax expenditure report shall include the listing of exemptions prepared by the department of revenue and a budget analysis of each exemption. The budget analysis shall categorize each exemption according to the programs or functions each exemption supports.

Provides that the budget analysis shall also include a determination of whether each exemption is the most fiscally effective means of achieving the purpose of the exemption, and a determination of whether each exemption has achieved its purpose, including an analysis of the persons that are benefited by the exemption.

Directs the governor to identify each exemption that will terminate during the next biennium and make a recommendation as to whether the exemption should be allowed to terminate, continue, or continue with modification.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Ways & Means.

**SB 6653** by Senators Schmidt, McAuliffe and Stevens

Studying the use of Paine Field for commercial air service.

Requires a study of the use of Paine Field for commercial air service.

Requires the county to send its report to the legislature by December 1, 2004.

Appropriates the sum of one hundred thousand dollars, or as much thereof as may be necessary, as a capital budget item for the fiscal year ending June 30, 2004, from the general fund to the department of community, trade, and economic development solely for distribution first to Snohomish county or, in the alternative, to the Snohomish county economic development council, to carry out the purposes of this act. This appropriation is intended to supplement other funds that may be available.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Ways & Means.

**SB 6654** by Senators Horn and Haugen

Allowing transit agencies to self-insure.

Authorizes transit agencies to self-insure.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Trade.

**SB 6655** by Senators Hewitt, Keiser and Rasmussen

Regulating authorized representatives of beer and wine manufacturers and distributors.

Declares that authorized representatives must hold a certificate of approval to allow sales and shipment of United States produced wine to licensed Washington wine distributors or importers.

Declares that authorized representatives must also hold a certificate of approval to allow sales and shipments of foreign produced wine to licensed Washington wine distributors or importers.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Trade.

**SB 6656** by Senators Schmidt and Esser; by request of Utilities & Transportation Commission and Department of Social and Health Services

Revising the Washington telephone assistance program.

Revises the Washington telephone assistance program. Repeals RCW 80.36.440.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Technology & Communications.

**SB 6657** by Senators Esser, Benton, Schmidt, Sheahan, Roach, Rasmussen, Keiser, Doumit, Prentice, Haugen and Shin

Clarifying collective bargaining processes for individual providers.

Provides that: (1) With respect to commencement of negotiations between the authority and the bargaining representative of individual providers, negotiations shall be commenced by May 1 of any year prior to the year in which an existing collective bargaining agreement expires; and

(2) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement.

Provides that a request for funds necessary to implement the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 shall not be submitted by the governor to the legislature unless such request: (1) Has been submitted to the director of the office of financial management by October 1st prior to the legislative session at which the request is to be considered; and

(2) Has been certified by the director of the office of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under RCW 74.39A.270(2)(c).

Creates a joint committee on home care worker relations.

Directs the authority to periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefits provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

Provides that, except as expressly limited in this act, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this act. No agency or department of this state, other than the authority, may establish policies or rules governing the wages or hours of individual

providers. However, this provision does not modify: (1) The department's authority to establish a plan of care for each consumer and to determine the hours of care that each consumer is eligible to receive;

(2) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer;

(3) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care; and

(4) The consumer's right to determine conditions of employment for each individual provider in the consumer's employ.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Health & Long-Term Care.

**SB 6658** by Senators Keiser, Oke and Kohl-Welles

Protecting workers from harmful airborne particles.

Establishes provisions to protect workers from harmful airborne particles.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Commerce & Trade.

**SB 6659** by Senator Honeyford

Modifying the county credit exemption for lodging taxes.

Revises the county credit exemption for lodging taxes.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Economic Development.

**SB 6660** by Senators Hewitt, Doumit, Rasmussen and Murray

Allowing light and power businesses to qualify for the manufacturing machinery and equipment sales and use tax exemption.

Authorizes light and power businesses to qualify for the manufacturing machinery and equipment sales and use tax exemption.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Ways & Means.

**SB 6661** by Senators Esser, T. Sheldon and Mulliken

Allowing assumptions of water-sewer districts by code cities.

Authorizes the board of commissioners of a water-sewer district, with fewer than two hundred fifty customers on the effective date of this act, and the city council of a code city with a population greater than one hundred thousand on the effective date of this act, to provide for assumption by the city of the district in accordance with RCW 35.13A.020, except as provided herein, pursuant to the terms and conditions of a contract executed in accordance with RCW 35.13A.070.

Declares that none of the territory of the water-sewer district need be included within the territory of the city.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Land Use & Planning.

**SB 6662** by Senators Morton, Honeyford and Mulliken

Concerning the administration of water rights.

Provides certainty and clarity in the administration of water rights.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Natural Resources, Energy & Water.

**SB 6663** by Senators Hewitt, Rasmussen, Honeyford, Prentice, Kastama, Doumit and Sheahan

Modifying promoters requirements for vendor tax registration.

Amends RCW 82.32.033 relating to promoters duties with respect to vendor tax registration.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Commerce & Trade.

**SB 6664** by Senators Franklin, Stevens, Fairley, Kline, Hargrove, Keiser, Regala, Rasmussen, Fraser, Kohl-Welles, Brown, McAuliffe and Winsley

Modifying guardianship bonding requirements.

Provides that funds held in any fiduciary account including, but not limited to, an account created under chapter 11.114 RCW or its equivalent, or a special needs or other trust approved by the court as provided in RCW 11.92.140, that is created by or under the control of a guardian, shall be bonded as provided in RCW 11.88.100, unless the funds are held subject to order of the court.

-- 2004 REGULAR SESSION --

Jan 28 First reading, referred to Judiciary.

**SB 6665** by Senators Hewitt, Mulliken, Honeyford, Hale, Parlette, Rasmussen and Sheahan

Modifying the excise taxation of fruit and vegetable processing and storage.

Declares that chapter 82.04 RCW shall not apply to amounts received from the canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables which are subsequently sold at wholesale outside the state or which are sold at wholesale by the person canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables to purchasers outside the state or to purchasers who transport in the ordinary course of business the goods out of this state, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state.

Provides that application for deferral of taxes under this act must be made before initiation of the construction of

the investment project or acquisition of equipment or machinery.

Directs the department to issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, cold storage warehousing, or research and development.

Expires July 1, 2010.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Ways & Means.

**SB 6666** by Senator Morton

Concerning the licensing of respiratory care practitioners.

Provides that applicants who meet the educational criteria as established by the national board for respiratory care to sit for the national board for respiratory care's advanced practitioner exams, or who have been issued the registered respiratory therapist credential by the national board for respiratory care, shall be considered to have met the educational criteria of this act. Applicants must have verification submitted directly from the national board for respiratory care to the department.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Health & Long-Term Care.

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**Senate Joint Memorials**

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**SJM 8046** by Senators Swecker, Rasmussen, Sheahan, Parlette, Jacobsen and Shin

Requesting federal consultation on pest control products.

Requests that a process be established by federal rule that provides for a transparent and efficient consultation process that is properly funded to accomplish the required consultation to occur between the United States Environmental Protection Agency and either the National Fish and Wildlife Service or the National Oceanic and Atmospheric Administration (NOAA-Fish) as appropriate for each listed salmonid species.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture.

**SJM 8047** by Senators Sheahan, Hewitt, Honeyford, Swecker, Hale, Murray and T. Sheldon

Requesting the implementation of the plan to maintain the navigation channel and loading docks on the lower Snake River.

Requests that the federal government take all necessary actions to ensure that the United States Army Corps of Engineers will expeditiously implement the plan to maintain the navigation channel and loading docks on the lower Snake River to ensure that the use of barges is maintained and that they can again be fully loaded.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Commerce & Trade.

**SJM 8048** by Senators Rasmussen and Swecker

Requesting compliance with the labeling requirements in the Farm Security and Rural Investment Act of 2002.

Requests that Congress and the United States Department of Agriculture move forward with country of origin labeling requirements on the original schedule established by Congress in 2002 for the enumerated food products.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Agriculture.

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**Senate Joint Resolutions**

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**SJR 8223** by Senators Haugen, Winsley, Kastama, Oke, Prentice, Spanel, Fairley, Eide, Kline, Berkey, McCaslin, Brown, Jacobsen, Rasmussen, Kohl-Welles, Benton and Shin

Providing a tax credit on owner-occupied residential property.

Proposes an amendment to the state Constitution to provide a tax credit on owner-occupied residential property.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Ways & Means.

**SJR 8224** by Senators Honeyford, Morton, Mulliken and T. Sheldon

Amending the Constitution to authorize a water court.

Proposes an amendment to the state Constitution to authorize a water court.

**-- 2004 REGULAR SESSION --**

Jan 28 First reading, referred to Natural Resources, Energy & Water.









# LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

## SENATE

SB 6640	Supp.	12
SB 6641	Supp.	12
SJM 8027	Supp.	3
SJM 8028	Supp.	3
SJM 8029	Supp.	3
SJM 8030	Supp.	5
SJM 8031	Supp.	6
SJM 8032	Supp.	8
SJM 8033	Supp.	9
SJM 8034	Supp.	9
SJM 8035	Supp.	9
SJM 8036	Supp.	9
SJM 8037	Supp.	9
SJM 8038	Supp.	9
SJM 8039	Supp.	11
SJM 8040	Supp.	11
SJM 8041	Supp.	11
SJM 8042	Supp.	11
SJM 8043	Supp.	11
SJM 8044	Supp.	12
SJM 8045	Supp.	12
SJR 8220	Supp.	4
SJR 8221	Supp.	9
SJR 8222	Supp.	11
SCR 8417	Supp.	1
SCR 8418	Supp.	4
SCR 8419	Supp.	6
SCR 8420	Supp.	7
SCR 8421	Supp.	7

## HOUSE

HB 2856	Supp.	8	HB 2939	Supp.	10
HB 2857	Supp.	8	HB 2940	Supp.	10
HB 2858	Supp.	8	HB 2941	Supp.	10
HB 2859	Supp.	8	HB 2942	Supp.	10
HB 2860	Supp.	8	HB 2943	Supp.	10
HB 2861	Supp.	8	HB 2944	Supp.	10
HB 2862	Supp.	8	HB 2945	Supp.	10
HB 2863	Supp.	8	HB 2946	Supp.	10
HB 2864	Supp.	8	HB 2947	Supp.	10
HB 2865	Supp.	8	HB 2948	Supp.	10
HB 2866	Supp.	8	HB 2949	Supp.	10
HB 2867	Supp.	8	HB 2950	Supp.	10
HB 2868	Supp.	8	HB 2951	Supp.	10
HB 2869	Supp.	8	HB 2952	Supp.	10
HB 2870	Supp.	8	HB 2953	Supp.	10
HB 2871	Supp.	8	HB 2954	Supp.	10
HB 2872	Supp.	8	HB 2955	Supp.	10
HB 2873	Supp.	8	HB 2956	Supp.	10
HB 2874	Supp.	8	HB 2957	Supp.	10
HB 2875	Supp.	8	HB 2958	Supp.	10
HB 2876	Supp.	8	HB 2959	Supp.	10
HB 2877	Supp.	9	HB 2960	Supp.	10
HB 2878	Supp.	9	HB 2961	Supp.	10
HB 2879	Supp.	9	HB 2962	Supp.	10
HB 2880	Supp.	9	HB 2963	Supp.	10
HB 2881	Supp.	9	HB 2964	Supp.	10
HB 2882	Supp.	9	HB 2965	Supp.	10
HB 2883	Supp.	9	HB 2966	Supp.	11
HB 2884	Supp.	9	HB 2967	Supp.	11
HB 2885	Supp.	9	HB 2968	Supp.	11
HB 2886	Supp.	9	HB 2969	Supp.	11
HB 2887	Supp.	9	HB 2970	Supp.	11
HB 2888	Supp.	9	HB 2971	Supp.	11
HB 2889	Supp.	9	HB 2972	Supp.	11
HB 2890	Supp.	9	HB 2973	Supp.	11
HB 2891	Supp.	9	HB 2974	Supp.	11
HB 2892	Supp.	9	HB 2975	Supp.	11
HB 2893	Supp.	9	HB 2976	Supp.	11
HB 2894	Supp.	9	HB 2977	Supp.	11
HB 2895	Supp.	9	HB 2978	Supp.	11
HB 2896	Supp.	9	HB 2979	Supp.	11
HB 2897	Supp.	9	HB 2980	Supp.	11
HB 2898	Supp.	9	HB 2981	Supp.	11
HB 2899	Supp.	9	HB 2982	Supp.	11
HB 2900	Supp.	9	HB 2983	Supp.	11
HB 2901	Supp.	9	HB 2984	Supp.	11
HB 2902	Supp.	9	HB 2985	Supp.	11
HB 2903	Supp.	9	HB 2986	Supp.	11
HB 2904	Supp.	9	HB 2987	Supp.	11
HB 2905	Supp.	9	HB 2988	Supp.	11
HB 2906	Supp.	9	HB 2989	Supp.	11
HB 2907	Supp.	9	HB 2990	Supp.	11
HB 2908	Supp.	9	HB 2991	Supp.	11
HB 2909	Supp.	9	HB 2992	Supp.	11
HB 2910	Supp.	9	HB 2993	Supp.	11
HB 2911	Supp.	9	HB 2994	Supp.	11
HB 2912	Supp.	9	HB 2995	Supp.	11
HB 2913	Supp.	9	HB 2996	Supp.	11
HB 2914	Supp.	9	HB 2997	Supp.	11
HB 2915	Supp.	9	HB 2998	Supp.	11
HB 2916	Supp.	9	HB 2999	Supp.	11
HB 2917	Supp.	9	HB 3000	Supp.	11
HB 2918	Supp.	9	HB 3001	Supp.	11
HB 2919	Supp.	9	HB 3002	Supp.	11
HB 2920	Supp.	9	HB 3003	Supp.	11
HB 2921	Supp.	9	HB 3004	Supp.	11
HB 2922	Supp.	9	HB 3005	Supp.	11
HB 2923	Supp.	9	HB 3006	Supp.	11
HB 2924	Supp.	9	HB 3007	Supp.	11
HB 2925	Supp.	9	HB 3008	Supp.	11
HB 2926	Supp.	9	HB 3009	Supp.	11
HB 2927	Supp.	9	HB 3010	Supp.	11
HB 2928	Supp.	10	HB 3011	Supp.	11
HB 2929	Supp.	10	HB 3012	Supp.	11
HB 2930	Supp.	10	HB 3013	Supp.	11
HB 2931	Supp.	10	HB 3014	Supp.	11
HB 2932	Supp.	10	HB 3015	Supp.	11
HB 2933	Supp.	10	HB 3016	Supp.	11
HB 2934	Supp.	10	HB 3017	Supp.	11
HB 2935	Supp.	10	HB 3018	Supp.	11
HB 2936	Supp.	10	HB 3019	Supp.	11
HB 2937	Supp.	10	HB 3020	Supp.	11
HB 2938	Supp.	10	HB 3021	Supp.	11

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# LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

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## SENATE

## HOUSE

HB 3022	Supp. 11	HJM 4033	Supp. 7
HB 3023	Supp. 11	HJM 4034	Supp. 7
HB 3024	Supp. 11	HJM 4035	Supp. 7
HB 3025	Supp. 11	HJM 4036	Supp. 7
HB 3026	Supp. 11	HJM 4037	Supp. 7
HB 3027	Supp. 11	HJM 4038	Supp. 8
HB 3028	Supp. 11	HJM 4039	Supp. 9
HB 3029	Supp. 11	HJM 4040	Supp. 12
HB 3030	Supp. 11	HJR 4214	Supp. 6
HB 3031	Supp. 11	HJR 4215	Supp. 7
HB 3032	Supp. 11	HJR 4216	Supp. 11
HB 3033	Supp. 11	HJR 4217	Supp. 11
HB 3034	Supp. 11	HJR 4218	Supp. 11
HB 3035	Supp. 11	HCR 4412	Supp. 3
HB 3036	Supp. 12	HCR 4413	Supp. 3
HB 3037	Supp. 12	HCR 4414	Supp. 3
HB 3038	Supp. 12	HCR 4415	Supp. 3
HB 3039	Supp. 12	HCR 4416	Supp. 7
HB 3040	Supp. 12		
HB 3041	Supp. 12		
HB 3042	Supp. 12		
HB 3043	Supp. 12		
HB 3044	Supp. 12		
HB 3045	Supp. 12		
HB 3046	Supp. 12		
HB 3047	Supp. 12		
HB 3048	Supp. 12		
HB 3049	Supp. 12		
HB 3050	Supp. 12		
HB 3051	Supp. 12		
HB 3052	Supp. 12		
HB 3053	Supp. 12		
HB 3054	Supp. 12		
HB 3055	Supp. 12		
HB 3056	Supp. 12		
HB 3057	Supp. 12		
HB 3058	Supp. 12		
HB 3059	Supp. 12		
HB 3060	Supp. 12		
HB 3061	Supp. 12		
HB 3062	Supp. 12		
HB 3063	Supp. 12		
HB 3064	Supp. 12		
HB 3065	Supp. 12		
HB 3066	Supp. 12		
HB 3067	Supp. 12		
HB 3068	Supp. 12		
HB 3069	Supp. 12		
HB 3070	Supp. 12		
HB 3071	Supp. 12		
HB 3072	Supp. 12		
HB 3073	Supp. 12		
HB 3074	Supp. 12		
HB 3075	Supp. 12		
HB 3076	Supp. 12		
HB 3077	Supp. 12		
HB 3078	Supp. 12		
HB 3079	Supp. 12		
HB 3080	Supp. 12		
HB 3081	Supp. 12		
HB 3082	Supp. 12		
HB 3083	Supp. 12		
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HB 3093	Supp. 12		
HB 3094	Supp. 12		
HB 3095	Supp. 12		
HB 3096	Supp. 12		
HB 3097	Supp. 12		
HB 3098	Supp. 12		
HB 3099	Supp. 12		
HB 3100	Supp. 12		
HB 3101	Supp. 12		
HJM 4030	Supp. 1		
HJM 4031	Supp. 1		
HJM 4032	Supp. 6		