



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Edition No. 1 Supplement No. 29\*

FIFTY-EIGHTH LEGISLATURE

Friday, February 20, 2004

40th Day - 2004 Regular

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**House Bills**


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**HB 1723-S** by House Committee on Finance (originally sponsored by Representatives Carrell, Gombosky, Talcott, Cairnes and Roach)

Exempting qualified historic property from the state property tax.

(AS OF HOUSE 2ND READING 2/12/04)

Declares that a "qualified historic property" means historic property that: (1) Is listed on the Washington heritage register, the national register of historic places;

(2) Is residential property occupied by the owner; and

(3) Has incurred expenditures for maintenance and repair activity that exceed ten percent of the assessed value of the residential structure.

Declares that historic property that is designated as qualified historic property under this act is exempt from property taxes levied for any state purpose for the year of designation. This exemption cannot be claimed more than once in a five-year period.

**-- 2003 REGULAR SESSION --**

Feb 28 FIN - Majority; 1st substitute bill be substituted, do pass.  
 Mar 4 Passed to Rules Committee for second reading.  
 Mar 7 Made eligible to be placed on second reading.  
 Mar 10 Placed on second reading by Rules Committee.  
 Mar 11 1st substitute bill substituted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 84; nays, 9; absent, 5.

**- IN THE SENATE -**

Mar 13 First reading, referred to Ways & Means.  
 Apr 27 By resolution, returned to House Rules Committee for third reading.

**-- 2003 1ST SPECIAL SESSION --**

**- IN THE HOUSE -**

Jun 4 By resolution, reintroduced and retained in present status.

**-- 2003 2ND SPECIAL SESSION --**

Jun 11 By resolution, reintroduced and retained in present status.

**-- 2004 REGULAR SESSION --**

Jan 12 By resolution, reintroduced and retained in present status.  
 Feb 2 Placed on third reading by Rules Committee.  
 Feb 12 Returned to second reading for amendment. Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 90; nays, 3; absent, 5.

**- IN THE SENATE -**

Feb 16 First reading, referred to Ways & Means.

**HB 1926** by Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh

Limiting the use of expert witnesses.

(AS OF HOUSE 2ND READING 2/16/04)

Provides that, in an action against a health care provider under chapter 7.70 RCW, an expert may not provide testimony at trial, or execute a certificate of merit required under this chapter, unless the expert meets the following criteria: (1) Has expertise in the medical condition at issue in the action; and

(2) At the time of the occurrence of the incident at issue in the action, was either: (a) Engaged in active practice in the same or similar area of practice or specialty as the defendant; or (b) teaching at an accredited medical school or an accredited or affiliated academic or clinical training program in the same or similar area of practice or specialty as the defendant, including instruction regarding the particular condition at issue.

Requires that an expert opinion provided in the course of an action against a health care provider under this chapter must be corroborated by admissible evidence, such as, but not limited to, treatment or practice protocols or guidelines developed by medical specialty organizations, objective academic research, clinical trials or studies, or widely accepted clinical practices.

Provides that, in any action under this chapter, each side shall presumptively be entitled to only two independent experts on an issue, except upon a showing of good cause. Where there are multiple parties on a side and the parties cannot agree as to which independent experts will be called on an issue, the court, upon a showing of good cause, shall allow additional experts on an issue to be called as the court deems appropriate.

**-- 2003 REGULAR SESSION --**

Feb 17 First reading, referred to Judiciary.  
 Feb 27 JUDI - Executive action taken by committee.  
 JUDI - Majority; do pass.  
 Mar 3 Passed to Rules Committee for second reading.  
 Mar 13 Placed on second reading by Rules Committee.  
 Mar 18 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 97; nays, 0; absent, 1.

**- IN THE SENATE -**

Mar 20 First reading, referred to Judiciary.  
 Apr 4 JUD - Majority; do pass.  
 Passed to Rules Committee for second reading.  
 Apr 10 Made eligible to be placed on second reading.  
 Apr 11 Placed on second reading by Rules Committee.  
 Apr 27 By resolution, returned to House Rules Committee for third reading.

**-- 2003 1ST SPECIAL SESSION --****- IN THE HOUSE -**

Jun 4 By resolution, reintroduced and retained in present status.

**-- 2003 2ND SPECIAL SESSION --**

Jun 11 By resolution, reintroduced and retained in present status.

**-- 2004 REGULAR SESSION --**

Jan 12 By resolution, reintroduced and retained in present status.

Rules committee relieved of further consideration.

Referred to Judiciary.

Feb 6 JUDI - Executive action taken by committee.

JUDI - Majority; do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

Feb 13 Placed on second reading by Rules Committee.

Feb 16 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 56; nays, 42; absent, 0.

**- IN THE SENATE -**

Feb 19 First reading, referred to Judiciary.

**HB 1928-S** by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell, McMahan, Clibborn, Campbell, Moeller, Schual-Berke, Cody, Newhouse, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh)

Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW.

(AS OF HOUSE 2ND READING 2/16/04)

Provides that, if the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

Does not apply to health care providers as defined in RCW 7.70.020, in all cases governed by chapter 7.70 RCW with respect to judgments for noneconomic damages. In all cases governed by chapter 7.70 RCW, the liability of health care providers for noneconomic damages is several only. For the purposes of this section, "noneconomic damages" has the meaning given in RCW 4.56.250.

Provides that, in all actions for damages under chapter 7.70 RCW, the entities to whom fault may be attributed shall be limited to the claimants, defendants, and third-party defendants who are parties to the action any entities released by the claimant, and entities immune from liability to the claimant.

**-- 2003 REGULAR SESSION --**

Feb 27 JUDI - Majority; 1st substitute bill be substituted, do pass.

Mar 3 Passed to Rules Committee for second

reading.  
Mar 13 Placed on second reading by Rules Committee.

Mar 19 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 97; nays, 1; absent, 0.

**- IN THE SENATE -**

Mar 21 First reading, referred to Health & Long-Term Care.

Apr 4 HEA - Majority; do pass with amendment(s).

Minority; do not pass with amendment(s).  
Passed to Rules Committee for second reading.

Apr 27 By resolution, returned to House Rules Committee for third reading.

**-- 2003 1ST SPECIAL SESSION --****- IN THE HOUSE -**

Jun 4 By resolution, reintroduced and retained in present status.

**-- 2003 2ND SPECIAL SESSION --**

Jun 11 By resolution, reintroduced and retained in present status.

**-- 2004 REGULAR SESSION --**

Jan 12 By resolution, reintroduced and retained in present status.

Rules committee relieved of further consideration.

Referred to Judiciary.

Feb 6 JUDI - Executive action taken by committee.

JUDI - Majority; do pass.

Passed to Rules Committee for second reading.

Feb 13 Placed on second reading by Rules Committee.

Feb 16 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 71; nays, 27; absent, 0.

**- IN THE SENATE -**

Feb 19 First reading, referred to Judiciary.

**HB 2347-S** by House Committee on Trade & Economic Development (originally sponsored by Representatives McDonald, Morrell, Edwards and Hinkle)

Public facilities districts Revised for 1st Substitute: Authorizing a sales and use tax for the construction of cultural centers.

(AS OF HOUSE 2ND READING 2/16/04)

Authorizes the governing body of a public facilities district to impose a sales and use tax in accordance with the terms of this chapter if the public facilities district: (1) Is created after July 1, 2005, but before June 30, 2007, for the construction of a cultural center;

(2) Commences construction of a new cultural center,

or improvement or rehabilitation of an existing cultural center, before January 1, 2008; and

(3) Is located in a county with a population in excess of two hundred fifteen thousand.

Provides that the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 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.

Declares that no tax may be collected under this act before September 1, 2005. The tax imposed in this act expires on the earlier of: (1) The date when the bonds issued for the construction of the cultural center and related parking facilities are retired;

(2) Twenty years after the tax is first collected; or

(3) The date when the cumulative total of taxes collected has exceeded eighteen million dollars.

Declares that a public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this act if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**-- 2004 REGULAR SESSION --**

Jan 29 TED - Majority; 1st substitute bill be substituted, do pass.

Feb 2 Referred to Finance.

Feb 10 FIN - Executive action taken by committee.  
FIN - Majority; do pass 1st substitute bill proposed by Trade & Economic Development.

Minority; do not pass.

Passed to Rules Committee for second reading.

Feb 13 Made eligible to be placed on second reading.

Feb 14 Placed on second reading by Rules Committee.

Feb 16 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 95; nays, 2; absent, 1.

**- IN THE SENATE -**

Feb 17 First reading, referred to Government Operations & Elections.

**HB 2736-S** by House Committee on Transportation (originally sponsored by Representatives Murray, G. Simpson, Dickerson, Rockefeller and Wood)

Streamlining transportation governance.

(AS OF HOUSE 2ND READING 2/16/04)

Recognizes the need to streamline governance of the transportation system in order to increase efficiency and accountability to the people it serves. The legislature intends to create a single point of accountability for the performance of the state department of transportation by making management of the department directly accountable to the governor.

Proposes to further streamline governance structures. A bipartisan, bicameral review and analysis of the current duties and responsibilities of the transportation commission

must be conducted to determine where these functions are best carried out.

Creates a bicameral, bipartisan review panel to conduct a review and analysis of the statutory duties, roles, functions, and responsibilities of the transportation commission. The review panel must make recommendations for the disposition of these duties, roles, functions, and responsibilities, assuming the transportation commission is dissolved. In making its recommendations, the review panel must, at a minimum, consider the proper separation of powers between the executive and legislative branches of government.

Directs the review panel to complete its analysis and forward its recommendations to the house of representatives and the senate by December 3, 2004.

Repeals RCW 47.01.051 and 47.01.071.

**-- 2004 REGULAR SESSION --**

Jan 29 TR - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 2 Passed to Rules Committee for second reading.

Feb 14 Placed on second reading by Rules Committee.

Feb 16 1st substitute bill substituted.

Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

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

**- IN THE SENATE -**

Feb 19 First reading, referred to Highways & Transportation.

**HB 2786-S2** by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Schual-Berke, Lantz, Clibborn, G. Simpson, Moeller, Upthegrove and Kagi)

Improving patient safety practices.

(AS OF HOUSE 2ND READING 2/16/04)

Finds that: (1) Thousands of patients are injured each year in the United States as a result of medical errors, and that a comprehensive approach is needed to effectively reduce the incidence of medical errors in our health care system. Implementation of proven patient safety strategies can reduce medical errors, and thereby potentially reduce the need for disciplinary actions against licensed health care professionals and facilities, and the frequency and severity of medical malpractice claims; and

(2) Health care providers, health care facilities, and health carriers can and should be supported in their efforts to improve patient safety and reduce medical errors by authorizing the sharing of successful quality improvement efforts, encouraging health care facilities and providers to work cooperatively in their patient safety efforts, and increasing funding available to implement proven patient safety strategies.

Declares an intent to positively influence the safety and quality of care provided in Washington state's health care system.

Provides that a coordinated quality improvement program maintained in accordance with RCW 43.70.510 or 70.41.200 may share information and documents, including complaints and incident reports, created specifically for, and

collected and maintained by a coordinated quality improvement committee or committees or boards under this act, with one or more other coordinated quality improvement programs for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program and the department shall assure that all rules relating to coordinated quality improvement programs and the sharing of individually identifiable patient information by these programs comply with these laws.

Declares that information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by this act and by RCW 43.70.510(4) and 70.41.200(3).

Provides that any person or entity participating in a coordinated quality improvement program that shares information or documents with one or more other programs in good faith and in accordance with applicable confidentiality and disclosure requirements of the coordinated quality improvement committee is not subject to an action for civil damages or other relief arising out of the act of sharing them.

Establishes provisions for funding patient safety efforts.

Requires that, by December 1, 2007, the department shall report the following information to the governor and the health policy and fiscal committees of the legislature: (1) The amount of patient safety fees and set asides deposited to date in the patient safety account;

(2) The criteria for distribution of grants, loans, or other appropriate arrangements under this act; and

(3) A description of the medical error reduction and patient safety grants and loans distributed to date, including the stated performance measures, activities, timelines, and detailed information regarding outcomes for each project.

**-- 2004 REGULAR SESSION --**

- Feb 10 APP - Majority; 2nd substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.
- Feb 13 Placed on second reading by Rules Committee.
- Feb 16 2nd substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 78; nays, 20; absent, 0.

**- IN THE SENATE -**

- Feb 19 First reading, referred to Health & Long-Term Care.

**HB 2787-S** by House Committee on Health Care (originally sponsored by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Uptongrove and Kagi)

Providing immunity from liability for licensed health care

providers at community health care settings.

**(AS OF HOUSE 2ND READING 2/16/04)**

Declares that a "community health care setting" means an entity that provides health care services and is a clinic operated by a public entity or private tax exempt corporation, except a clinic that is owned, operated, or controlled by a hospital licensed under chapter 70.41 RCW unless the hospital-based clinic either: (1) Maintains and holds itself out to the public as having established hours on a regular basis for providing free health care services to members of the public to the extent that care is provided without compensation or expectation of compensation during those established hours; or

(2) Is participating, through a written agreement, in a community-based program to provide access to health care services for uninsured persons, to the extent that: (a) Care is provided without compensation or expectation of compensation to individuals who have been referred for care through that community-based program; and (b) the health care provider's participation in the community-based program is conditioned upon his or her agreement to provide health services without expectation of compensation.

**-- 2004 REGULAR SESSION --**

- Feb 3 HC - Majority; 1st substitute bill be substituted, do pass.
- Feb 5 Passed to Rules Committee for second reading.
- Feb 13 Placed on second reading by Rules Committee.
- Feb 16 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 92; nays, 6; absent, 0.

**- IN THE SENATE -**

- Feb 19 First reading, referred to Health & Long-Term Care.

**HB 2933-S** by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Cody, Benson, Ormsby, O'Brien, Sullivan, Wood and Morrell)

Clarifying collective bargaining processes for individual providers.

**(AS OF HOUSE 2ND READING 2/14/04)**

Provides that, except as expressly limited in this act and RCW 74.39A.300, 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 the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers. However, to recognize the obligation of the department to comply with Title XIX of the federal social security act and with the terms and conditions of any community-based waiver granted by the federal department of health and human services, including those related to client safety and quality of care, and to ensure federal financial participation in the provision of these services, the department retains authority to: (1) Establish a plan of care for each consumer and to determine the hours of care that each consumer is eligible to receive;

(2) Terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer; and

(3) Deny a contract under RCW 74.39A.095(8).

Declares 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.

**-- 2004 REGULAR SESSION --**

Feb 5 CL - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.

Feb 6 Passed to Rules Committee for second reading.

Feb 11 Placed on second reading by Rules Committee.

Feb 14 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 95; nays, 0; absent, 3.

**- IN THE SENATE -**

Feb 17 First reading, referred to Ways & Means.

**HB 2941-S** by House Committee on Transportation (originally sponsored by Representatives Murray, Ericksen, Hankins, Jarrett, McDermott, Rockefeller, Morris, G. Simpson, Wood, Campbell, Sommers, Santos, Sullivan, Wallace and Clibborn)

Requiring vehicle registration at the residence address.

(AS OF HOUSE 2ND READING 2/16/04)

Provides that an application for original vehicle license shall be made on a form furnished for the purpose by the department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify, under penalty of perjury, that the statements therein are true to the best of the applicant's knowledge.

Provides that notwithstanding this provision, an applicant may provide an address other than a residence address as part of the application or renewal only if the applicant: (1) Is a member of the military with an overseas mailing address;

(2) Is a participant in the address confidentiality program administered through the office of the secretary of state; or

(3) Does not have United States postal service mail delivery service available to the applicant's residence address.

Declares that, if the department becomes aware that there is or may be an error in a residence address provided in an application or renewal or that the applicant has failed to provide a residence address without certifying the

applicability of one of the exceptions listed in RCW 46.16.040, the department shall flag the record and the registered owner will be required, before renewal of the vehicle license, to provide information satisfactory to the department either to reconcile the error or to demonstrate that there was no error.

Requires that all reasonable costs incurred by the department of licensing associated with the administration of address certification provisions for authorities receiving funds collected under chapter 35.95A RCW shall be paid by those authorities.

**-- 2004 REGULAR SESSION --**

Feb 5 TR - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.

Feb 6 Passed to Rules Committee for second reading.

Feb 14 Placed on second reading by Rules Committee.

Feb 16 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 74; nays, 24; absent, 0.

**- IN THE SENATE -**

Feb 19 First reading, referred to Highways & Transportation.

**HB 3054-S** by House Committee on Transportation (originally sponsored by Representatives G. Simpson, Skinner, Hankins, Wood, Rockefeller, Clibborn, Hatfield, Clements, Armstrong and Delvin)

Restoring the vehicle tire fee.

(AS OF HOUSE 2ND READING 2/16/04)

Creates the vehicle tire recycling account within the state treasury. After the deposit of funds into the motor vehicle account as provided for in RCW 70.95.510(3) and the state patrol highway account as provided for in RCW 70.95.510(4), the remaining funds received under RCW 70.95.510(1) must be deposited into the vehicle tire recycling account and used by the department of ecology for purposes including but not limited to those specified in RCW 70.95.535. The department of revenue shall deduct two percent from the funds collected under RCW 70.95.510 for the purpose of administering and collecting the fee from new replacement tire retailers.

Directs the department of ecology to convene a committee.

Requires the committee to prepare a statewide prioritized list of waste tire piles and a plan for their removal. The committee shall contact each county and request that the appropriate county departments locate and identify waste tire piles in their county, and submit a plan for removal. The statewide prioritized list of waste tire piles and plan for proper removal must be completed by January 1, 2005, and updated by annual reports to the legislature.

Directs the committee to develop a plan for tracking the movement of waste tires to be completed by January 1, 2005, and updated by annual reports to the legislature.

Requires that no less than twenty-three percent of the funds contained in the vehicle tire recycling account must be awarded to county governments for removal of illegal waste tire piles.

Provides that county governments that are recipients of the enforcement program grant funding must submit an annual report to the department of ecology for each year the grant funding is expended, detailing the uses of the funds and including information on what enforcement activities were supported with the grant funds.

Provides that no more than three percent of the funds contained in the vehicle tire recycling account may be used by the department of ecology for administration purposes.

**-- 2004 REGULAR SESSION --**

- Feb 9 TR - Majority; 1st substitute bill be substituted, do pass.  
Minority; without recommendation.
- Feb 10 Passed to Rules Committee for second reading.
- Feb 14 Placed on second reading by Rules Committee.
- Feb 16 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 62; nays, 36; absent, 0.

**- IN THE SENATE -**

- Feb 19 First reading, referred to Highways & Transportation.

**HB 3101-S** by House Committee on Judiciary (originally sponsored by Representatives Darneille, G. Simpson, Campbell, Romero, Upthegrove, Ormsby, Morrell, Kenney and O'Brien)

Restricting the sale, foreclosure, or seizure of property belonging to a service member on deployment. Revised for 1st Substitute: Restricting a trustee's sale, foreclosure, or seizure of property belonging to a service member on deployment.

(AS OF HOUSE 2ND READING 2/14/04)

Declares that a deed of trust may not be foreclosed during, or within ninety days after, a service member's period of deployment.

Declares that a trustee's sale, foreclosure, or seizure of property under chapter 61.24 RCW is not valid if made during, or within ninety days after, the period of the service member's deployment.

Applies only to a service member's obligation on real property purchased before the period of the service member's deployment and for which the service member is still obligated.

Provides that no interest or penalties may be assessed for the period April 30, 2003, through April 30, 2005, on delinquent taxes imposed for collection in 2003 or 2004 which are imposed on the personal residences owned by military personnel who participated in the situation known as "Operation Enduring Freedom."

**-- 2004 REGULAR SESSION --**

- Feb 5 JUDI - Majority; 1st substitute bill be substituted, do pass.
- Feb 6 Passed to Rules Committee for second reading.
- Feb 12 Placed on second reading by Rules Committee.
- Feb 14 1st substitute bill substituted.  
Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0; absent, 2.

**- IN THE SENATE -**

- Feb 17 First reading, referred to Judiciary.

**HB 3183** by Representatives Conway, Delvin, G. Simpson, Cooper, Roach, Campbell and Morrell

Negotiating state patrol officer wages and wage-related matters.

(AS OF HOUSE 2ND READING 2/14/04)

Declares that, for the purposes of negotiating: (1) Wages and wage-related matters, the state shall be represented by the governor or the governor's designee who is appointed under chapter 41.80 RCW; and

(2) Nonwage related matters, the state shall be represented by the Washington state patrol.

Declares that the decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

**-- 2004 REGULAR SESSION --**

- Feb 4 First reading, referred to Commerce & Labor.
- Feb 5 CL - Executive action taken by committee.  
CL - Majority; do pass.
- Feb 6 Passed to Rules Committee for second reading.
- Feb 10 Made eligible to be placed on second reading.
- Feb 12 Placed on second reading by Rules Committee.
- Feb 14 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0; absent, 2.

**- IN THE SENATE -**

- Feb 17 First reading, referred to Commerce & Trade.

**HB 3197** by Representatives Schual-Berke, Kagi, Cody, Lantz, Morrell, Clibborn and Rockefeller

Requiring the reporting and analysis of medical malpractice related information.

(AS OF HOUSE 2ND READING 2/16/04)

Provides that, beginning on April 1, 2005, every insuring entity or self-insurer that provides medical malpractice insurance to any facility or provider in Washington state must report to the commissioner by the first of each month any claim related to medical malpractice, if the claim resulted in a final: (1) Judgment in any amount; (2) Settlement in any amount; or (3) Disposition of a medical malpractice claim

resulting in no indemnity payment on behalf of an insured.

Authorizes the commissioner to impose a fine of up to two hundred fifty dollars per day per case against any insuring entity or surplus lines producer that violates the requirements of this act. The total fine per case may not exceed ten thousand dollars.

Authorizes the department of health to impose a fine of up to two hundred fifty dollars per day per case against any facility or provider that violates the requirements of this act. The total fine per case may not exceed ten thousand dollars.

Requires the commissioner to prepare aggregate statistical summaries of closed claims based on calendar year data submitted under this act.

Requires that, at a minimum, data must be sorted by calendar year and calendar accident year. The commissioner may also decide to display data in other ways.

Requires the summaries to be available by March 31st of each year.

Provides that, beginning in 2006, the commissioner must prepare an annual report by June 30th that summarizes and analyzes the closed claim reports for medical malpractice filed under this act and the annual financial reports filed by insurers writing medical malpractice insurance in this state.

**-- 2004 REGULAR SESSION --**

- Feb 14 Read first time, rules suspended, and placed on second reading calendar.  
Feb 16 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 52; nays, 46; absent, 0.

**- IN THE SENATE -**

- Feb 19 First reading, referred to Judiciary.

**HB 3201** by Representatives Lantz, Morrell, Clibborn and Rockefeller

Including expert witness fees in "reasonable expenses." (REVISED FOR ENGROSSED: Modifying frivolous lawsuit provisions.)

(AS OF HOUSE 2ND READING 2/16/04)

Provides that, in any civil action, the court having jurisdiction shall, upon written findings by the judge that the action, counterclaim, cross-claim, third party claim, or defense was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys and expert witnesses, incurred in opposing such action, counterclaim, cross-claim, third party claim, or defense.

**-- 2004 REGULAR SESSION --**

- Feb 14 Read first time, rules suspended, and placed on second reading calendar.  
Feb 16 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 67; nays, 31; absent, 0.

**- IN THE SENATE -**

- Feb 19 First reading, referred to Judiciary.

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**Senate Bills**

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**SB 5957-S2** by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland)

Establishing a system of standards and procedures concerning water quality data.

(AS OF SENATE 2ND READING 2/17/04)

Finds that: (1) Proper collection and review of credible water quality data is necessary to ensure compliance with the requirements of the federal clean water act;

(2) Developing and implementing water quality protection measures based only on credible water quality data ensures that the financial resources of state and local governments and regulated entities are prioritized to address our state's most important water quality issues; and

(3) The state currently lacks standards relating to the collection of water quality data even though the collection and analysis of that data provides the basis for water quality protection efforts and can have significant regulatory and financial impacts.

Declares an intent to establish a system of standards and procedures to ensure that only credible water quality data is used as the basis for specific state water quality programs.

Provides that, when evaluating the waters of the state for any section 303(d) list, the department may not categorize as "polluted waters that do not require a TMDL" (water quality assessment category 4) or "polluted waters that require a TMDL" (water quality assessment category 5) unless credible data supports such a listing.

Provides that, in collecting and analyzing water quality data for any purpose identified in this act, data is considered credible data only if the department has determined all of the following: (1) Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing the data;

(2) The samples or analyses are representative of water quality conditions at the time the data was collected;

(3) The data consists of an adequate number of samples based on the nature of the water in question and the parameters being analyzed;

(4) The method of sampling and analysis, including analytical, statistical, and modeling methods, is generally accepted and validated in the scientific community as appropriate for use in assessing the condition of the water; and

(5) The data was collected in a manner consistent with the requirements of this act.

Declares that any employee of the department who knowingly misrepresents data shall be subject to the provisions of RCW 42.20.040 and 42.20.050.

Provides that, by January 31, 2005, the department of ecology shall report to the appropriate committees of the senate and the house of representatives the status of activities undertaken to comply with the provisions of this act, and shall report by January 2006 any rule making required to implement this act including changes in listings resulting from the use of credible data.



- Feb 10 WM - Majority; 2nd substitute bill be substituted, do pass. Minority; do not pass. Passed to Rules Committee for second reading.
- Feb 12 Made eligible to be placed on second reading.
- Feb 13 Placed on second reading by Rules Committee.
- Feb 17 2nd substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 32; nays, 17; absent, 0.
- IN THE HOUSE -**
- Feb 19 First reading, referred to Agriculture & Natural Resources.

**SB 6153-S** by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Eide, Haugen, Winsley, Kohl-Welles and Kline)

Notifying home buyers of where information regarding registered sex offenders may be obtained.

(AS OF SENATE 2ND READING 2/17/04)

Declares that the notice regarding sex offenders under RCW 64.06.020 does not create any legal duty on the part of the seller, or on the part of any real estate licensee, to investigate or to provide the buyer with information regarding the actual presence, or lack thereof, of registered sex offenders in the area of any property, including but not limited to any property that is the subject of a disclosure or waiver of disclosure under this chapter, or that is exempt from disclosure under RCW 64.06.010.

Declares that this act applies prospectively only and not retroactively. It applies only to residential real property purchase and sale agreements entered into on or after the effective date of this act, without regard to when the agreements are closed or finalized.

Takes effect January 1, 2005.

**-- 2004 REGULAR SESSION --**

- Jan 20 FSIH - Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.
- Feb 12 Made eligible to be placed on second reading.
- Feb 13 Placed on second reading by Rules Committee.
- Feb 17 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 48; nays, 0; absent, 1.
- IN THE HOUSE -**
- Feb 19 First reading, referred to Financial Institutions & Insurance.

**SB 6401-S** by Senate Committee on Land Use & Planning (originally sponsored by Senators Rasmussen, Roach, Kastama, Franklin, Doumit, Shin, Schmidt, Oke, Haugen and Murray)

Protecting military installations from encroachment of incompatible land uses.

(AS OF SENATE 2ND READING 2/17/04)

Declares that military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

Declares an intent that strategies and policies adopted under this act shall be adopted and amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this act on or before December 1, 2005.

Provides that, as part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county or city's intent to amend its comprehensive plan to address lands adjacent to military installations and consider policies to ensure those lands are protected from incompatible development.

**-- 2004 REGULAR SESSION --**

- Feb 6 LU - Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.
- Feb 11 Made eligible to be placed on second reading.
- Feb 12 Placed on second reading by Rules Committee.
- Feb 17 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 49; nays, 0; absent, 0.

**- IN THE HOUSE -**

- Feb 19 First reading, referred to Local Government.