



DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Supplement No. 48*

FIFTY-EIGHTH LEGISLATURE

Thursday, March 20, 2003

67th Day - 2003 Regular

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House Bills

HB 1418-S2 by House Committee on Appropriations (originally sponsored by Representatives Quall, Schoesler, Blake, Sump, Morris, Grant, Hatfield, Sehlin, Bailey and Linville)

Regarding construction projects in state waters.

(AS OF HOUSE 2ND READING 3/17/03)

Declares that the purposes of this act are to: (1) Clarify the purpose of the fishway and hydraulic project approval requirements of chapter 77.55 RCW as applied to works and projects related to drainage infrastructure including tide gates, flood gates, and pump stations;

(2) Create demonstration projects to assess the effectiveness of self-regulating tide gates in achieving fish passage and to test their impact, if any, on surrounding agricultural lands;

(3) Prioritize the use of public lands for fish habitat restoration projects; and

(4) Establish a task force to review issues regarding the implementation of fishway and hydraulic project approval requirements as they relate to designated agricultural lands, analyze the effectiveness of the demonstration projects for fish habitat restoration, and report any legislative recommendations to the legislature.

Declares that the department shall not require the installation of a self-regulating tide gate as a condition of hydraulic project approval for maintenance or replacement of agricultural drainage systems under this section unless the condition is consistent with a salmon recovery plan adopted according to chapter 77.85 RCW or a plan developed according to this act, the affected landowners and the associated special taxing districts under RCW 85.38.180 have agreed to the installation, and all impacts have been fully compensated. Any condition requiring a self-regulating tide gate to achieve fish passage in an existing hydraulic project approval may not be enforced.

Requires the department to comply with the requirements of this act when imposing conditions on approvals issued according to RCW 77.55.100 or 77.55.110 or during implementation of fish passage requirements according to RCW 77.55.060 for any project or work on or related to drainage infrastructure on lands designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW.

Provides that, upon written request of the affected owners of land designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW or the associated special taxing districts under RCW 85.38.180, the department shall provide for the removal of the self-regulating function of any self-regulating tide gate installed because of a condition imposed by the department in an approval issued according to RCW 77.55.100 or 77.55.110 or during implementation of fish passage requirements according to RCW 77.55.060. The department shall make the tide gate removal of the self-regulating function of any self-regulating tide gate a priority and complete the removal within thirty days of receipt of the request of the owner or the associated special taxing district under RCW 85.38.180. The department shall pay for any tide gate removal required by this act within existing resources.

Establishes a task force to: (1) Review and analyze the issues identified in this act and the purposes specified in this

act as they relate to Skagit county to determine the effectiveness of chapter . . . , Laws of 2003 (this act) in addressing those issues and achieving those purposes;

(2) Define the scope, nature, and extent of the assessments listed in this act, develop a methodology to distinguish between facilities in Skagit county that function as drainage infrastructure and those that are passages for fish, and recommend statutory and policy changes to provide fish and wildlife habitat to meet salmon recovery goals while assuring no net loss of the farmland base;

(3) Identify appropriate demonstration projects on the Skagit river, the Samish river, Carpenter creek, and Colony creek and provide direction on project purpose, duration, monitoring, reporting, and funding; and

(4) Review and analyze the selection, monitoring, and results of any such demonstration projects.

Provides that, in conjunction with other public landowners, the department shall create a salmon habitat restoration plan for all public lands in Skagit county. The plan shall include a list of public properties that must be restored for salmon, a description of how those properties can be altered to support salmon, a description of costs and sources of funds to restore the property, and a strategy and schedule for prioritizing the restoration of public lands for salmon habitat.

Directs the department to make the Skagit public lands salmon habitat restoration plan a priority and complete it by November 30, 2004.

Does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing appropriations.

-- 2003 REGULAR SESSION --

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass.
- Mar 10 Passed to Rules Committee for second reading.
- Mar 12 Made eligible to be placed on second reading.
- Mar 13 Placed on second reading by Rules Committee.
- Mar 17 2nd substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 97; nays, 0; absent, 1.

- IN THE SENATE -

- Mar 19 First reading, referred to Agriculture.

HB 1638-S2 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Darneille, Conway, Hankins, McIntire, Pflug, Kenney, Kessler, Moeller, Edwards, Simpson, Morrell, Skinner, Upthegrove, Rockefeller and Wood)

Concerning hepatitis C.

(AS OF HOUSE 2ND READING 3/17/03)

Directs the secretary of health to design a state plan for the prevention and management of hepatitis C by July 1, 2004.

Declares that the state plan developed pursuant to this act shall be developed using only available federal and private sources, including grants.

Provides that credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated

workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

-- 2003 REGULAR SESSION --

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass.
 Mar 10 Passed to Rules Committee for second reading.
 Mar 13 Made eligible to be placed on second reading.
 Mar 14 Placed on second reading by Rules Committee.
 Mar 17 2nd substitute bill substituted.
 Floor amendment(s) adopted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 98; nays, 0; absent, 0.

- IN THE SENATE -

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

HB 1754-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero)

Concerning the slaughter, preparation, and sale of certain poultry.

(AS OF HOUSE 2ND READING 3/17/03)

Provides that rules adopted by the state board of health, the department of health, or a local health jurisdiction, as defined in RCW 43.70.575, regulating food or food service establishments do not apply to the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm. The state board of health, the department of health, or a local health jurisdiction, as defined in RCW 43.70.575, shall not apply such rules directly or indirectly to such an activity or sale.

Declares that this act does not apply to the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm.

Declares that a special, temporary permit issued by the department under this act is required for the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm, and for such sale. Such activities shall not be conducted without the permit. However, if the activities are conducted under such a permit, the activities are exempted from any other licensing requirements of chapter 69.07 RCW.

-- 2003 REGULAR SESSION --

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

- Passed to Rules Committee for second reading.
 Mar 14 Placed on second reading by Rules Committee.
 Mar 17 1st substitute bill substituted.
 Floor amendment(s) adopted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 97; nays, 0; absent, 1.

- IN THE SENATE -

- Mar 19 First reading, referred to Agriculture.

HB 1769-S by House Committee on Local Government (originally sponsored by Representatives Romero, Cooper, Dunshee, Linville and Edwards; by request of Governor Locke)

Establishing a schedule of time limits under which local governments must develop or amend shoreline master plans.

(AS OF HOUSE 2ND READING 3/17/03)

Recognizes that the process of developing and amending shoreline master programs requires substantial effort and coordination by local governments. To assist local governments in completing this process, the legislature intends to establish a staggered schedule for cities and counties to develop and amend master programs consistent with existing timelines for reviews and amendments of comprehensive plans and development regulations. The legislature also recognizes that several local governments have volunteered to comply with the provisions of this act before the newly established schedule and intends to reflect this in the schedule that is established by RCW 90.58.080.

Declares an intent to provide reasonable and adequate funding for grants to local governments to accomplish the task of reviewing and revising their shoreline master programs. If the legislature in the future does not provide funding in any one biennium sufficient for reasonable and adequate grant funds, the legislature acknowledges that this may result in delaying the compliance date until the following biennium.

-- 2003 REGULAR SESSION --

- Mar 5 LG - Majority; 1st substitute bill be substituted, do pass.
 Minority; do not pass.
 Referred to Appropriations.
 Mar 8 APP - Executive action taken by committee.
 APP - Majority; do pass 1st substitute bill proposed by Local Government.
 Minority; do not pass.
 Mar 10 Passed to Rules Committee for second reading.
 Mar 12 Placed on second reading by Rules Committee.
 Mar 17 1st substitute bill substituted.
 Floor amendment(s) adopted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 60; nays, 37; absent, 1.

- IN THE SENATE -

- Mar 19 First reading, referred to Land Use & Planning.

HB 1803-S by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Rockefeller, Anderson, Delvin, McDermott, McIntire, Woods and Simpson; by request of Commissioner of Public Lands)

Studying the creation of the legacy trust proposal.

(AS OF HOUSE 2ND READING 3/17/03)

Finds that during the 2003 legislative session, the commissioner of public lands brought forward the idea of the creation of a legacy trust in the form of House Bill No. 1803 and Senate Bill No. 5750. The legacy trust was proposed to serve as a new land trust, managed by the department of natural resources, the revenue from which would be dedicated to supporting recreational access and use on state-owned lands.

Concurs with the commissioner of public lands that the demand for the use and enjoyment of public lands is extensive and growing and that the quality of recreational experiences, safety to the public, upkeep of trails and facilities, and protection of land from ecological impacts may be in jeopardy.

Finds that the ideas brought forward by the commissioner of public lands, as well as other ideas for achieving similar goals, deserves the attention of select legislators in the interim between the 2003 and 2004 legislative sessions.

Establishes a joint select committee on the legacy trust proposal to consider, study, and review the legacy trust proposal brought forward by the commissioner of public lands for establishing a stable, long-term revenue source to support recreational access and use on state-owned lands, and to consider any alternate methods to achieve the same goals. One alternative for the committee to research is any options available for obtaining federal forest land located in Washington to be used as part of the legacy trust's land base.

Provides that any land that is acquired by the state between the effective date of this act and June 30, 2004, either by gift, escheat, devise, or grant, that is not conveyed for a particular purpose, may be held by the department separate from any existing land trusts.

Provides that, if by June 30, 2004, the legislature establishes the legacy trust pursuant to this act, or any other land trust designed to provide financial support for the management of public recreational access and use on state-owned lands, then any land held pursuant to this provision shall be transferred to the new land trust and managed pursuant to legislative direction.

Provides that, if by June 30, 2004, the legislature does not create a new land trust, any land held pursuant to this provision must be managed in accordance with this act.

-- 2003 REGULAR SESSION --

Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.

Mar 12 Made eligible to be placed on second reading.

Mar 13 Placed on second reading by Rules Committee.

Mar 17 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 75; nays, 22; absent, 1.

- IN THE SENATE -

Mar 19 First reading, referred to Parks, Fish & Wildlife.

HB 1933-S by House Committee on Local Government (originally sponsored by Representatives Berkey, Kessler, Cairnes, Buck, Sullivan, Orcutt, Hatfield, Jarrett, Miloscia, Gombosky, Grant, DeBolt, Quall, Woods, Schoesler, Conway, Lovick, Clibborn, Edwards, Schindler, McCoy, Eickmeyer and Alexander)

Declaring shoreline management act legislative intent.

(AS OF HOUSE 2ND READING 3/17/03)

Declares that this act is intended to affirm the legislature's intent that: (1) The shoreline management act be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts prior to the decision of the central Puget Sound growth management hearings board in *Everett Shorelines Coalition v. City of Everett and Washington State Department of Ecology*;

(2) The goals of the growth management act, including the goals and policies of the shoreline management act, set forth in RCW 36.70A.020 and included in RCW 36.70A.020 by RCW 36.70A.480, continue to be listed without an order of priority; and

(3) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.

Declares an intent that upon adoption of revised shorelines guidelines after January 1, 2003, critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act.

-- 2003 REGULAR SESSION --

Mar 5 LG - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

Mar 12 Placed on second reading by Rules Committee.

Mar 17 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 66; nays, 31; absent, 1.

- IN THE SENATE -

Mar 19 First reading, referred to Land Use & Planning.

HB 2151-S by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin)

Prioritizing proposed higher education capital projects.

(AS OF HOUSE 2ND READING 3/17/03)

Declares an intent that a methodology be developed that will guide capital appropriation decisions by rating and individually ranking, in sequential, priority order, all major capital projects proposed by the two-year and four-year public universities and colleges.

Declares an intent that this rating, ranking, and prioritization of capital needs will reflect the state's higher education policies and goals including the comprehensive master plan for higher education as submitted by the higher education coordinating board and as adopted by the legislature.

Provides that, beginning with the 2005-2007 biennial capital budget submittal, the public four-year institutions, in consultation with the council of presidents and the higher education coordinating board, shall prepare a single prioritized individual ranking of the individual projects proposed by the four-year institutions as provided in this act. The public four-year institutions may aggregate minor works project requests into priority categories without separately ranking each minor project, provided that these aggregated minor works requests are ranked within the overall list.

Provides that, beginning with the 2007-2009 biennial capital budget submittal, the board shall, in consultation with the state board for community and technical colleges and the public four-year institutions, submit its biennial capital budget recommendations on the basis of a prioritized project ranking reflecting the integration of the two-year and four-year prioritized project lists developed under this act along with the separate two-year and four-year prioritized lists.

-- 2003 REGULAR SESSION --

- Mar 10 CB - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
- Mar 13 Made eligible to be placed on second reading.
- Mar 14 Placed on second reading by Rules Committee.
- Mar 17 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 98; nays, 0; absent, 0.

- IN THE SENATE -

- Mar 19 First reading, referred to Ways & Means.

HB 2225 by Representatives Cody and Sommers

Concerning basic health care plan enrollment.

Revises provisions relating to the relationship between basic health plan enrollment levels and the expenditure of funds deposited into the health services account under RCW 82.24.028 and 82.26.028.

-- 2003 REGULAR SESSION --

- Mar 19 First reading, referred to Appropriations.

HB 2226 by Representatives Veloria and Kessler

Authorizing the office of minority and women's business enterprises to receive gifts, grants, or endowments.

Authorizes the office of minority and women's business enterprises to receive gifts, grants, or endowments.

-- 2003 REGULAR SESSION --

- Mar 19 First reading, referred to Appropriations.

Senate Bills

SB 5374 by Senators Roach, Fairley, Horn, Stevens, McAuliffe and Winsley; by request of Secretary of State

Administering funds received under the Help America Vote Act.

(AS OF SENATE 2ND READING 3/18/03)

Creates the election account in the state treasury.

Requires the following receipts to be deposited into the account: Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act; amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act; and such other amounts as may be appropriated by the legislature to the account.

Declares that expenditures from the account may be made only to facilitate the implementation of Public Law 107-252.

-- 2003 REGULAR SESSION --

- Jan 23 First reading, referred to Government Operations & Elections.
- Feb 6 GO - Majority; do pass.
- Feb 7 Passed to Rules Committee for second reading.
- Mar 14 Placed on second reading by Rules Committee.
- Mar 18 Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 47; nays, 0; absent, 2.

SB 5770-S by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Kline)

Regulating motorized foot scooters.

(AS OF SENATE 2ND READING 3/18/03)

Declares that no driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

Declares that electric-assisted bicycles and motorized foot scooters may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise

limit the access of electric-assisted bicycles and motorized foot scooters, and state parks may regulate the use of motorized foot scooters within boundaries of the parks.

Applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when appropriately signed.

-- 2003 REGULAR SESSION --

- Feb 27 HT - Majority; 1st substitute bill be substituted, do pass.
Passed to Rules Committee for second reading.
- Mar 14 Placed on second reading by Rules Committee.
- Mar 18 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 28; nays, 19; absent, 2.

SB 5819-S by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner and Kline)

Expanding implied consent to other conveyances, in addition to vehicles, involved in accidents. (REVISED FOR ENGROSSED: Concerning the collection of evidence of blood alcohol content from drivers involved in fatal vehicle accidents.)

(AS OF SENATE 2ND READING 3/18/03)

Finds and declares that: (1) The state has a compelling interest in preventing fatal vehicle accidents in this state;

(2) In order to prevent fatal vehicle accidents, it is necessary to analyze and understand the causes of such accidents, including the role played by alcohol;

(3) The state's compelling interest in preventing fatal vehicle accidents therefore creates a special need beyond normal law enforcement for the collection of evidence of blood alcohol content from drivers involved in fatal vehicle accidents; and

(4) Because evidence of blood alcohol content diminishes over time, requiring a warrant before that evidence can be collected would be impracticable and would frustrate the state's interest in collecting the information.

Provides that a person who operates a vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to a test of his or her breath for the purpose of determining the alcohol concentration in his or her breath if the person is involved in a vehicle accident in which there has been a fatality.

Provides that the test of breath must be administered at the direction of a law enforcement officer on the scene of a fatal vehicle accident. The officer shall inform the person of his or her right to refuse the breath test. The officer shall warn the operator that he or she will be guilty of a class 3 civil infraction if he or she refuses to submit to the test.

Directs every hospital to on or before the tenth day of each month, report in writing to the chief of the Washington state patrol any toxicology report taken during the preceding calendar month from a person hospitalized as a result of an accident in which there has been a fatality that shows that

the person may have been under the influence of intoxicating liquor at the time of the accident.

-- 2003 REGULAR SESSION --

- Mar 5 JUD - Majority; 1st substitute bill be substituted, do pass.
Passed to Rules Committee for second reading.
- Mar 7 Made eligible to be placed on second reading.
- Mar 12 Placed on second reading by Rules Committee.
- Mar 18 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 46; nays, 0; absent, 3.

- IN THE HOUSE -

- Mar 19 First reading, referred to Judiciary.

Senate Concurrent Resolutions

SCR 8407 by Senators Jacobsen and Carlson

Creating a joint select committee to evaluate transfer of credit between four-year institutions of higher education.

Creates a joint select committee to evaluate transfer of credit between four-year institutions of higher education.

-- 2003 REGULAR SESSION --

- Mar 19 First reading, referred to Higher Education.

SCR 8408 by Senators Jacobsen and Carlson

Creating a joint select committee concerning Latino accessibility to higher education.

Creates a joint select committee concerning Latino accessibility to higher education.

-- 2003 REGULAR SESSION --

- Mar 19 First reading, referred to Higher Education.