

In the  
Legislature



of the State  
of Washington

# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
**Supplement No. 47\***

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FIFTY-NINTH LEGISLATURE

Wednesday, March 16, 2005

66th Day - 2005 Regular

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**SENATE**

SB 5962  
SB 5983-S  
SB 6086  
SB 6087

**HOUSE**

HB 1079-S  
HB 1314-S  
HB 1970-S2

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## LIST OF BILLS IN DIGEST SUPPLEMENTS

See 2005 Regular, Supplement 46 for List of Bills for Supplements 1 through 46

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**SENATE**

**HOUSE**

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**House Bills**


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**HB 1079-S** by House Committee on Higher Education (originally sponsored by Representatives Kagi, Kenney, Chase, Dickerson and Schual-Berke; by request of Governor Locke)

Establishing a foster youth postsecondary education and training coordination committee. Revised for 1st Substitute: Regarding postsecondary education and training support for foster youth.

(AS OF HOUSE 2ND READING 3/10/05)

Declares an intent to encourage and support foster youth to pursue postsecondary education or training opportunities. A coordination committee that provides statewide planning and oversight of related efforts will improve the effectiveness of both current and future initiatives to improve postsecondary educational outcomes for foster youth. In addition, the state can provide financial support to former foster youth pursuing higher education or training by setting aside portions of the state need grant and the state work study programs specifically for foster youth.

Provides that the duties of the oversight committee shall include, but are not limited to: (1) Assessing the scope and nature of statewide need among current and former foster youth for assistance to pursue and participate in postsecondary education or training opportunities;

(2) Identifying available sources of funding available in the state for services to former foster youth to pursue and participate in postsecondary education or training opportunities;

(3) Reviewing the effectiveness of activities in the state to support former foster youth to pursue and participate in postsecondary education or training opportunities;

(4) Identifying new activities, or existing activities that should be modified or expanded, to best meet statewide needs;

(5) Reviewing on an ongoing basis the progress toward improving educational and vocational outcomes for foster youth.

Declares that, as used in this act, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

**-- 2005 REGULAR SESSION --**

Feb 25 HE - Majority; 1st substitute bill be substituted, do pass.  
Minority; without recommendation.

Mar 1 Passed to Rules Committee for second reading.

Mar 8 Made eligible to be placed on second reading.

Mar 9 Placed on second reading by Rules Committee.

Mar 10 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 -**

Mar 12 First reading, referred to Early Learning, K-12 & Higher Education.

**HB 1314-S** by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby)

Creating the domestic violence prevention account.

(AS OF HOUSE 2ND READING 3/10/05)

Provides that the party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of ten dollars. The clerk of the superior court shall transmit monthly eight dollars of the ten-dollar fee collected under this provision to the state treasury for deposit in the domestic violence prevention account. The remaining two dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the two dollars, which may be retained by the court for administrative purposes.

Applies to the issuance of marriage license fees also.

Requires the department to administer funds available from the domestic violence prevention account under this act and establish minimum standards for preventive, nonshelter community-based services receiving funds administered by the department. Preventive, nonshelter community-based services include services for victims of domestic violence from communities that have been traditionally underserved or unserved and services for children who have witnessed domestic violence.

**-- 2005 REGULAR SESSION --**

Feb 9 JJFL - Majority; 1st substitute bill be substituted, do pass.  
Minority; without recommendation.

Feb 14 Referred to Appropriations.

Feb 24 APP - Executive action taken by committee.  
APP - Majority; do pass 1st substitute bill proposed by Juvenile Justice & Family Law.

Feb 28 Passed to Rules Committee for second reading.

Mar 9 Placed on second reading by Rules Committee.

Mar 10 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 71; nays, 25; absent, 2.

**- IN THE SENATE -**

Mar 12 First reading, referred to Judiciary.

**HB 1970-S2** by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Springer, Miloscia, Upthegrove, Morrell, Haigh, O'Brien, Linville and Takko; by request of Governor Gregoire)

Improving government management, accountability, and performance.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Provides that: (1) Each state agency shall, within available funds, develop and implement a management, accountability, and performance system to improve the public services it provides.

(2) Each agency shall ensure that managers and staff at all levels are engaged in the system and shall provide managers and staff with the training necessary for successful implementation.

(3) Each agency shall, within available funds, ensure that its management, accountability, and performance system: (a) Uses strategic business planning to establish goals, objectives, and activities consistent with the priorities of government, as provided in statute;

(b) Engages stakeholders and customers in establishing service requirements and improving service delivery systems;

(c) Includes clear, relevant, and easy-to-understand measures for each activity;

(d) Gathers, monitors, and analyzes activity data;

(e) Uses the data to evaluate the effectiveness of programs to manage process performance, improve efficiency, and reduce costs;

(f) Establishes performance goals and expectations for employees that reflect the organization's objectives; and provides for regular assessments of employee performance;

(g) Uses activity measures to report progress toward agency objectives to the agency director at least quarterly;

(h) Where performance is not meeting intended objectives, holds regular problem-solving sessions to develop and implement a plan for addressing gaps; and

(i) Allocates resources based on strategies to improve performance.

Requires state agencies whose chief executives are appointed by the governor to report to the governor on agency performance at least quarterly.

Provides that the governor shall report annually to citizens on the performance of state agency programs. The governor's report shall include: (1) Progress made toward the priorities of government as a result of agency activities; and

(2) Improvements in agency management systems, fiscal efficiency, process efficiency, asset management, personnel management, statutory and regulatory compliance, and management of technology systems.

Requires the senate and house of representatives to each develop and implement quality improvement programs as described under this act by June 30, 2005, and shall report the results of these efforts to the leadership of each major political party caucus within its respective house.

Encourages the supreme court to develop and implement quality improvement programs, as described under this act, for the judicial branch of government, by June 30, 2005, and shall report the results of these efforts to the chief justice. The programs may be implemented directly by the supreme court or may be delegated to the administrator for the courts.

**-- 2005 REGULAR SESSION --**

Mar 5 APP - Majority; 2nd substitute bill be substituted, do pass.  
Minority; do not pass.  
Mar 7 Passed to Rules Committee for second reading.  
Mar 8 Placed on second reading by Rules Committee.

Mar 10 2nd substitute bill substituted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 75; nays, 20; absent, 3.

**- IN THE SENATE -**

Mar 12 First reading, referred to Government Operations & Elections.

**Senate Bills**

**SB 5962** by Senators Haugen, Schoesler, Rasmussen, Morton, Shin and Delvin

Protecting customary agricultural practices against nuisance actions.(REVISED FOR ENGROSSED: Concerning customary agricultural practices.)

(AS OF SENATE 2ND READING 3/10/05)

Provides that, if a farmer prevails in any action, claim, or counterclaim that alleges agricultural activity on a farm to be a nuisance, or that is based on an unverified complaint, the farmer may recover the full amount of costs and expenses determined by the court to have been reasonably incurred by the farmer in defending against the action, claim, or counterclaim.

Provides that, if the court finds that the action, claim, or counterclaim was initiated maliciously and without probable cause, the farmer may also recover exemplary damages.

Authorizes a court to order the person making an unverified complaint to pay the investigating agency its full investigative costs.

Declares that, as used in this act, "unverified complaint" means a complaint filed by a person in which agricultural activity on a farm is alleged to have violated specified laws, rules, or ordinances and upon investigation the investigating agency or a court determines that the farm is in conformity with the specified laws, rules, or ordinances allegedly violated and the complaint was unfounded at the time it was initiated.

Requires a seller of real property located within one mile of the property boundary of a farm or farm operation to make available to the buyer the following statement: "This notice is to inform prospective residents that the real property they are about to acquire lies within one mile of the property boundary of a farm. The farm may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Washington right to farm act."

**-- 2005 REGULAR SESSION --**

Feb 16 First reading, referred to Agriculture & Rural Economic Development.  
Feb 24 ARED - Majority; do pass.  
Passed to Rules Committee for second reading.  
Mar 7 Made eligible to be placed on second reading.  
Mar 9 Placed on second reading by Rules Committee.  
Mar 10 Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 47; nays, 2; absent, 0.

**- IN THE HOUSE -**

Mar 14 First reading, referred to Economic Development, Agriculture & Trade.

**SB 5983-S** by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Pflug, Schmidt, Esser, Delvin and Benson)

Regarding professional certification of teachers.

(AS OF SENATE 2ND READING 3/10/05)

Recognizes the importance of ongoing professional development and growth for teachers with the goal of improving student achievement.

Declares an intent to ensure that professional certification is administered in such a way as to ensure that the professional development and growth of individual teachers is directly aligned to their current and future teaching responsibilities as professional educators.

Declares that any certificate or permit authorized under RCW 28A.410.090 or 28A.405 shall be suspended or revoked, according to the provisions of this act, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum.

Provides that a first time violation of this act shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

Provides that, in all cases, the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100.

Declares that, for the purposes of this act, "sexually explicit conduct" has the same definition as provided in RCW 9.68A.011.

**-- 2005 REGULAR SESSION --**

Mar 2 EKHE - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

On motion, referred to Rules.

Mar 9 Placed on second reading by Rules Committee.

Mar 10 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 -**

Mar 14 First reading, referred to Education.

**SB 6086** by Senators Honeyford, Hewitt, Poulsen, Morton, Mulliken and Rasmussen

Concerning the retrofitting of wells during drought conditions.

Amends RCW 43.83B.410 relating to allowing retrofitting of domestic wells to maintain agricultural irrigation purposes during drought.

**-- 2005 REGULAR SESSION --**

Mar 15 First reading, referred to Water, Energy & Environment.

**SB 6087** by Senators Brown, Kline, Keiser, Fairley, Weinstein, Rockefeller and Kohl-Welles

Addressing health care liability reform.

Finds that access to safe, affordable health care is one of the most important issues facing the citizens of Washington state.

Finds that the rising cost of medical malpractice insurance has caused some physicians, particularly those in high-risk specialties such as obstetrics and emergency room practice, to be unavailable when and where the citizens need them the most. The answers to these problems are varied and complex, requiring comprehensive solutions that encourage patient safety practices, increase oversight of medical malpractice insurance, and making the civil justice system more understandable, fair, and efficient for all the participants.

Finds that neither of the initiatives, Initiative 330 or Initiative 336, contain comprehensive, real solutions to the problems they are attempting to solve, and for this reason, offers the following single alternative to both of these initiatives to the citizens of this state.

Declares an intent to prioritize patient safety and the prevention of medical errors above all other considerations as legal changes are made to address the problem of high malpractice insurance premiums. Thousands of patients are injured each year as a result of medical errors, many of which can be avoided by supporting health care providers, facilities, and carriers in their efforts to reduce the incidence of those mistakes.

Declares an intent to provide incentives to settle cases before resorting to court, and to provide the option of a more fair, efficient, and streamlined alternative to trials for those for whom settlement negotiations do not work.

Declares an intent to provide the insurance commissioner with the tools and information necessary to regulate medical malpractice insurance rates and policies so that they are fair to both the insurers and the insured.

Declares that this act constitutes an alternative to Initiative 330. The secretary of state shall place this act on the ballot in conjunction with Initiative 330 at the next regular general election.

Declares that this act constitutes an alternative to Initiative 336. The secretary of state shall place this act on the ballot in conjunction with Initiative 336 at the next regular general election.

**-- 2005 REGULAR SESSION --**

Mar 15 First reading, referred to Judiciary.