

***AGRICULTURE AND ECOLOGY
COMMITTEE***

***Washington State House of
Representatives***

**FINAL 1997
SESSION REPORT**

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FINAL REPORT

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**BILLS REFERRED TO THE
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BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SHB 1033	Schoesler, Honeyford, Sheahan	Grain Facility Registration Requirement - Prohibits a reregistration, report, or fee from again being required for a grain elevator or grain warehouse after January 1, 1997, once a registration or report has been filed under the air pollution source registration program for a grain warehouse or grain elevator, unless the facility's licensed capacity is increased. If the licensed capacity is increased, provides that any registration or reporting required under the program for the warehouse or elevator must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase. Provides that this exemption from reregistration, fees, and reporting does not apply to a facility that handles more than 10 million bushels of grain annually. (KH)	C 410 L 97
ESHB 1110	Chandler, Mastin, McMorris	Columbia River Water Appropriations - Declares the Department of Ecology's rule establishing the moratorium on processing permits for the use of water from the main stem of the Columbia River to be void. Requires the department to consult with the standing committees of the House and Senate with jurisdiction over water resource management before proposing to adopt rules withdrawing any waters of the state from further appropriation. Repeals a reference to a section of law that expired in 1989. (KH)	C 439 L 97
ESHB 1111	Chandler, Koster, Delvin	Granting Water Use - Allows certain claims for certain uses of water made without a water right to be filed with the Department of Ecology (DOE) along with applications for a permit to use the water. Allows the continued use of the water until DOE denies the application or a court affirms or denies the right in a general adjudication decree. Permits DOE to make its decision on such an application only after locally developed watershed planning has been completed and adopted. (KH)	Gov Vetoed
SHB 1118	Mastin, Chandler, Johnson	Claim Filing Period for Historical Water Rights - Establishes a new period for filing claims with the Department of Ecology (DOE) for rights to water that predate the permit system established for surface water in 1917 groundwater in 1945. Sets the new filing period as being September 1, 1997, to June 30, 1998, but does not apply this reopening to water rights in areas that are the subject of a general adjudication proceeding for water rights or regulated by groundwater acreage expansion rules. Requires the right for a claim filed during this period to be subordinate to rights embodied in water right permits	C 440 L 97 Partial Veto

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		<p>or certificates issued before the claim is filed and subordinate to rights for claims filed in previous filing periods. Allows an amendment to a claim already in the water claims registry to be submitted to correct any error in the previously filed claim. Prohibits, from March 1, 1994, to June 30, 1998, both DOE and the Pollution Control Hearings Board (PCHB) from finding that relinquishment of a right has occurred for a failure to file a claim. (KH)</p> <p><i>Partial Veto:</i> The Governor vetoed the provisions of the bill authorizing the filing of amendments to correct any errors in previously filed statements of claim and establishing a time period during which DOE and the PCHB are prohibited from finding that a water right has been relinquished failure to file a claim.</p>	
SHB 1272	Delvin, Chandler, Robertson	<p>Establishing Water Conservancy Boards - Authorizes a county to create a water conservancy board subject to approval by the Department of Ecology (DOE). Provides that a board consists of three commissioners who are appointed by the county commissioners for six-year terms, that a board is a separate unit of government, but does not have the power to tax or exercise eminent domain, and that boards may give preliminary approval to water transfers. Requires that water transfers remain within existing categories of beneficial uses. Subjects any transfer to final approval by the DOE. Provides that a commissioner may not participate in an application in which he or she has an ownership interest. (BL)</p> <p><i>Partial Veto:</i> The Governor vetoed provisions of the bill that: established the criteria for a water conservancy board to approve water transfers; limited water transfers within existing categories of beneficial use; required concurrence of both irrigation districts if the water is being transferred from one irrigation district to another; required approval only from the board of directors of an irrigation district if the transfer only involves a change in place of use or a nonconsumptive use and the water remains within the irrigation district; and protected a person who in good faith leased a water right to another person from having the water right relinquished due to nonuse by the lessee.</p>	C 441 L 97 Partial Veto
ESHB 1419	Chandler, Linville, Regala	<p>Solid Waste Permits/Duration - Authorizes local health jurisdictions to renew solid waste permits for up to five years. Directs the Department of Ecology to conduct a study to identify methods of regulating solid waste in a manner that matches the risks posed by the solid waste. (RA)</p>	C 213 L 97
SHB 1429	Sump, O'Brien, Sullivan	<p>Tobacco Product Littering - Establishes a \$500 penalty for discarding a cigarette or other tobacco product if the product is capable of starting a fire. (RA)</p>	C 159 L 97
SHB 1464	Chandler, Linville	<p>Noxious Weeds - Updates current laws pertaining to noxious weeds. Simplifies the process to add weeds to the state noxious weed list, clarifies landowner responsibilities for controlling weeds, and requires the Department of Agriculture to control noxious weed seeds in screenings from the cleaning of grain or seeds. Directs state agencies</p>	C 353 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		to use integrated pest management practices to control weeds on state lands. Requires that rules be adopted by the department which identify ways that screenings containing noxious weed seeds can be made available for beneficial uses. (BL)	
E2SHB 1527	Chandler, Linville	<p>Pesticides Registration - Replaces a variable fee schedule for registering pesticides with a flat annual fee of \$145/registration. Increases annual pesticide licensing fees: to \$50 (from \$36, including the \$6 surcharge) for a pesticide dealer; to \$25 from \$21 for a dealer manager and a public pest control consultant; to \$45 from \$36 for a pest control consultant; to \$170 from \$142 for a commercial applicator; to \$50 from \$39 for a commercial operator; to \$25 from \$23 for private-commercial applicators, private pesticide applicators, demonstration and research applicators, and public operators, the fees are each increased. Increases the fee for licensing a pesticide apparatus to \$20 from \$17. Expressly authorizes recertification requirements for persons licensed under the Pesticide Control Act that are similar to the requirements authorized under the Pesticide Application Act.</p> <p>Establishes a pilot project in Ferry and Okanogan counties for licensing persons to apply restricted use herbicides for controlling weeds. Calls for the pilot project to expire December 31, 2002. Provides that the license is for applying herbicides to control weeds on the licensee's own non-production agricultural land and on the non-production agricultural land of another person if it is done without compensation other than the trading of personal services. Provides that the application of herbicides to aquatic sites is not permitted under such a license</p> <p>Requires monies collected from civil penalties imposed under the Pesticide Control and Pesticide Application Acts to be deposited in the General Fund. Alters the reporting date and content of the Department of Agriculture's annual report to the Legislature regarding its pesticide related activities. (KH)</p>	C 242 L 97
SHB 1657	Chandler, Linville	Solid Waste Disposal Fees - Requires the Washington Utilities and Transportation Committee to pass through the disposal rates of affiliated interests if the disposal costs charged by the affiliated interest are the same as or lower than other currently available options. (RA)	C 434 L 97
SHB 1726	Robertson, Linville, Thomas	Outdoor Burning/Storm Debris - Authorizes the state or local entity with permitting authority for outdoor burning to allow outdoor burning of storm or flood related debris in areas where burning is otherwise prohibited. (RA)	C 225 L 97
SHB 1729	Chandler, Schoesler, Grant	Irrigation District Administration - Allows irrigation districts to require bidders to provide bid deposits with their bids, holds the districts harmless for discharges into the water by other parties, and removes restrictive language on the inclusion of property within an irrigation district. Allows any business entity owning property within the district to vote in irrigation district elections. (BL)	C 354 L 97 Partial Veto

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		<i>Partial Veto:</i> The governor vetoed section 4, which allowed irrigation districts to add lands to the district's boundaries that are not contiguous with the district.	
ESHB 1730	Chandler, Schoesler, Grant	Water Right Relinquishment/Exemptions - States that a water right is not relinquished for nonuse if: the right is leased to another under a transfer or change of the right; or a federal or state agency lease of or option to purchase lands or water rights precludes or reduces the use of the right. Requires the deadline for implementing a water use permit to be extended if federal or state laws prevent or restrict water use otherwise authorized under a water use permit. (KH)	Gov Vetoed
SHB 1791	Mastin, Chandler, Linville	Commodity Commissions/B&O Tax - Exempts from state B&O taxation amounts received by a nonprofit organization from an agricultural commodity board or commission created under the Agricultural Enabling Act of 1955 or 1961, or directly by statute. To qualify, requires that the organization must fall within one of certain specified categories of organizations that are exempt from federal income tax and must have the same objectives for which the commodity commission or board was formed. (KH)	Gov Vetoed
ESHB 1792	Chandler, Delvin, Hankins	Environmental Technology Certification - Authorizes the Department of Ecology to use information from another state's environmental technology certification program when making permit decisions. Directs the department to establish a technology certification for radioactive and mixed waste if all capital and startup costs are paid by the federal government or a private entity. Authorizes the department to evaluate a more extensive certification program if all costs are paid by the federal government or a private entity. Directs the department to charge a fee to recover the costs of operating a technology certification program. (RA)	C 419 L 97
2SHB 1817	Chandler, Kessler, Alexander	Reclaimed Water Demonstration - Establishes five demonstration projects for reclaimed water use in Ephrata, Lincoln County, Royal City, Sequim, and Yelm. Directs the Department of Ecology to oversee the projects and report to the Legislature on the results. Provides that projects that discharge reclaimed water to irrigation district or federal reclamation project facilities must meet the requirements of those facilities' operating entity for such discharges. (BL)	C 355 L 97
EHB 1832	Clements, Linville, Lisk	Plant Pest Control Funds - Allows the inspector for Horticultural Inspection District 2 to transfer to the Plant Pest Account \$200,000 of the monies in the district fund derived from state inspections of tree fruits and requires the transferred monies to be used solely for apple maggot control activities in the district. Provides that the transfer is to take place by June 1, 1997. Provides that any portion of this amount that is unexpended by June 30, 1999, be returned to the district fund. Expressly allows the director of the Department of Agriculture to provide pest control activities through the use of the Plant Pest Account. (KH)	C 227 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
E2SHB 1866	Chandler, Linville, Lisk	<p>Environmental Excellence Program Agreements - Authorizes state, regional, and local agencies to enter into environmental excellence program agreements. Allows most existing environmental laws to be superseded by the agreement if it will achieve either better overall environmental results or more efficient environmental results. Provides that an agreement may not authorize the release of pollutants that will cause ambient air or water quality standards to be exceeded. Authorizes programmatic agreements covering more than one facility.</p> <p>Requires a proposal for an environmental agreement to contain a statement describing the project, an environmental checklist and analysis, a draft environmental agreement, and a description of the stakeholder process. Requires that stakeholders be involved in the development, consideration, and implementation stages of the environmental agreement. Provides that the stakeholder process must involve communities near the project, employees at the facility, and business, environmental and other public interest groups.</p> <p>Requires that the final agreement contain a description of all legal requirements that are superseded by the agreement. Requires that federal agencies be provided notice and an opportunity to object before an agreement takes effect. Allows an agreement to be terminated if it will cause endangerment to public health or the environment. Provides that no new agreements may be entered into after June 30, 2002. Allows agencies to assess fees to recover their costs for processing the agreements. (BL)</p> <p>Partial Veto: The governor vetoed sections of the bill that exempted environmental agreements from the State Environmental Policy Act, provided criteria for the termination of environmental agreements as well as interim requirements that must be met following a termination, and authorized water quality criteria to be superseded by environmental agreements.</p>	C 381 L 97 Partial Veto
E2SHB 1969	Chandler, Regala	<p>Public Water Systems - Modifies the drinking water assistance account to conform with federal requirements. Allows federal money to be disbursed to public water systems to address drinking water contamination problems, water conservation, and to reduce the cost of compliance for small water systems. Requires a progress report to the Legislature from the Department of Health and the Public Works Board by December 15, 1997. (BL)</p>	C 218 L 97
ESHB 2013	Chandler, Regala, Schoesler	<p>Groundwater/Additional & Replacement Wells - Statutorily divides into two categories the construction of replacement or additional wells under existing groundwater rights and expressly treats the two differently. Bases the two categories on whether the replacement or additional wells are to be constructed at a new location or at the location of the original well. For the construction of an additional well at a new location, provides that the total withdrawal from the original well and an additional well may not enlarge the right conveyed by the original permit or certificate. If a replacement well is approved, requires that use of the original well be discontinued and that the original well be properly decommissioned.</p>	C 316 L 97

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		<p>Expressly allows the construction of a replacement or additional well at the location of the original well without application for an amendment to the right. However, requires a showing of compliance with the conditions that apply to such replacement or additional wells and allows the Department of Ecology to specify an approved manner of construction. Provides that the construction of a replacement well or additional well at the location of the original well is no longer prohibited from impairing any existing rights, junior or senior; it now must not impair senior rights. (KH)</p>	
<p>ESHB 2050</p>	<p>Mastin, Chandler, Clements</p>	<p>Water Rights Impairment - Establishes two tests for determining whether the withdrawal of water from a confined aquifer causes interference with surface rights and one test for withdrawals from an unconfined aquifer. Allows a permit for the use of water from a confined aquifer to be denied or conditioned based on its conflict with an existing surface water right only if the withdrawal of the water: (1) will cause a head reduction measurable in the field within 50 feet of the surface water body in question in the shallowest unconfined water table aquifer that underlies that surface water body; or (2) will cause a reduction measurable in the field in the flow or level of the surface water body. Provides that rights to surface water are impaired by the withdrawal of groundwater from an unconfined aquifer only if, after no more than six months of pumping, the surface water will lie within the cone of depression of a well tapping the groundwater. Provides that these tests do not provide a standard for reviewing any claim made by a person with a senior water right in a local superior court that the person's senior water right is impaired by the use of any junior water right. Requires the court to examine such a claim de novo, based on the preponderance of the evidence. Provides that these permit and appeals provisions do not apply if the claimed senior water right is a minimum instream flow or level or surface water closure.</p> <p>Requires the Department of Ecology (DOE) to consider the effects of proposals for augmentation and mitigation submitted with an application and to consider seasonal variations. Allows the reconsideration of applications that have been denied in certain instances without loss of the priority date of the original application. Provides that the existence of hydraulic continuity between groundwater and a surface body of water does not, in itself, mean that an existing surface water right will be impaired by a proposed permit for a groundwater right. Provides that a right represented by an application for a water right for which no permit for water has been issued is not considered to be injured or detrimentally affected by the transfer or change of an existing water right. (KH)</p>	<p>Gov Vetoed</p>
<p>2SHB 2054</p>	<p>Chandler, Clements, Mastin</p>	<p>Water Resource Management/Planning - Watershed Plans. Establishes a procedure under which watershed planning can be initiated and conducted locally. Provides state funding for such planning up to \$500,000/watershed. Provides that members of the planning unit authorized to develop such a plan be appointed by units of local and tribal government located in the watershed and adds representatives of state agencies, but allows an existing group to be designated as the planning unit by the counties in the watershed. If</p>	<p>C 442 L 97 Partial Veto</p>

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		<p>the resulting plan is adopted by the counties in the watershed, requires that the locally approved plan also be adopted by the state. Requires local planning units to consider water storage development and allows them to request Department of Ecology (DOE) to initiate general adjudication proceedings regarding water rights.</p> <p><u>Instream Flows.</u> Requires any instream flows set by the plan to be approved by all members of the planning unit, including state agency members. Provides that Instream flows set in this manner replace those set by DOE.</p> <p><u>Permit Processing Deadlines.</u> Provides that the deadline for processing a water right permit application for water in a watershed for which a watershed plan has been adopted is 180 days from the date a properly completed application is filed with DOE; the deadline for processing an application filed after July 1, 1999, for water in a watershed for which a watershed plan has not been adopted is one year. Provides for certain extensions of these deadlines.</p> <p><u>Water Purveyors.</u> Expands the purposes for which interties between water systems may be used including for the acquisition of new sources of water supply to meet future demand. Defines the water rights of water purveyors holding certificated rights.</p> <p><u>Relinquishment.</u> Provides exceptions to the requirement of law that water rights be relinquished for certain non-use.</p> <p><u>General Permits.</u> Requires DOE to develop by January 1998 a general permit system for non-bypass uses of water not exceeding 5,000 gallons per day.</p> <p><u>Transfers.</u> Allows the transfer of certain annual consumptive quantities of water.</p> <p><u>Appeals.</u> Allows a party appealing a water quantity decision of DOE to elect an informal or a formal hearing before the Pollution Control Hearings Board (PCHB). Provides that an informal hearing consists of mediation and may include fact finding if a settlement agreement is not reached. Allows, after the informal hearing, a person to request a formal hearing by the PCHB or to appeal the water quantity decision directly to the local superior court. Provides that an appeal of a water quantity decision to superior court is heard de novo, but in an appeal after an informal hearing by the PCHB, no party may raise an issue that was not raised and discussed as part of the fact finding hearing. (KH)</p> <p><i>Partial Veto:</i> The Governor vetoed all of the provisions of the bill except the introductory sections of the watershed planning portion of the bill, a section authorizing the transfer of certain annual consumptive quantities of water, and provisions authorizing local watershed planning units to request general adjudications and making multipurpose water storage facilities a high priority. The introductory sections signed by the Governor: identify the legislative intent for the water resource planning process; provide definitions for the planning portion of the bill; require the opportunity for interest groups to provide input to the planning, require state technical assistance upon request, and prohibit plans from being inconsistent with or duplicative of existing efforts; establish funding limits and priorities for such planning; and limit the liability of units of government participating in the planning process.</p>	

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SHB 2089	Chandler, Honeyford	<p>Livestock Identification - Requires the livestock identification advisory board to provide oversight advice to the Department of Agriculture regarding its livestock identification program and to receive status and financial briefings regarding the program. Requires the department to consult the advisory board before hiring or dismissing supervisory personnel.</p> <p>Postpones by one year the current law's reduction of: the fees authorized for inspecting brands at mandatory inspection points; the annual licensing fee for a certified feed lot; the fee on each head of cattle handled through a certified feed lot; the annual licensing fee for a public livestock market; and the maximum daily total of fees that may be charged for brand inspection at such markets. (KH)</p> <p><i>Partial Veto:</i> The Governor vetoed the provisions of the bill regarding the advisory board.</p>	C 356 L 97 Partial Veto
ESHB 2096	Chandler, Schmidt	<p>Oil Spill Prevention Program - Changes the rate and distribution of the two "barrel" taxes on oil and other petroleum products. Deposits four cents per barrel into the oil spill administration account. Deposits one cent per barrel into the oil spill response account. Lowers the threshold for suspending the 1 cent tax from \$25 million to \$10 million dollars. Creates a task force to evaluate the success of merging the Office of Marine Safety into the Department of Ecology. Provides that any fund balance in the administration account at the end of a biennium must stay in that account. (RA)</p>	C 449 L 97
HJM 4005	Mulliken, Chandler, Hankins	<p>Hanford Control Zone Lands - Requests the President, Congress, and the Director of the Department of Energy to reduce, except for needed buffer zones, the present boundaries of the Department of Energy's Hanford Control Zone on the Wahluke Slope to the area south of the Columbia River. Asks to transfer in total the Wahluke Slope, presently under the custody and control of the Department of Energy, to the counties of Grant, Franklin, and Adams for the purpose of returning the land to its former agricultural use, as well as for wildlife and recreational use in areas along the Hanford Reach. (KH)</p>	Filed Sec State
HJR 4209	Chandler, Regala, Mulliken	<p>Stormwater/Sewer Efficiency - Amends the state constitution, subject to approval by the voters, authorizing local governments that provide stormwater/sewage services to assist homeowners and businesses in financing and installing materials and equipment for the more efficient use of stormwater and sewer services. (BL)</p>	Filed Sec State
SB 5029	Morton	<p>Water Code Obsolete References - Repeals references to a moratorium that expired in 1989 that prohibited the Department of Ecology (DOE) from: setting instream flow requirements; reserving water for future use; and from issuing permanent water rights. Also repeals a reference to the Joint Select Committee on Water Resource Policy that expired in 1993 and a reference to a reporting requirement that was itself repealed in 1987.</p> <p>Repeals sections of law that: required the establishment of a Water Resources Data Management Task Force and gave duties to the task</p>	C 32 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		force; authorized DOE to acquire, design, and build an East Selah reregulating reservoir to improve efficiencies in managing water releases and demands for water in the U.S. Bureau of Reclamation's Yakima Project; and directed the DOE to develop a demonstration irrigation conservation plan for a voluntary demonstration project and develop model conservation rate structures for irrigation districts. (KH)	
SSB 5030	Senator Horn	Lake Water for Noncommercial Landscape Irrigation - Establishes a process in which the Department of Ecology must determine whether or not there is sufficient water in Lake Washington to allow lake water to be used for watering lawns and noncommercial gardens. If the Department determines there is sufficient water, single family residents living adjacent to Lake Washington may use the water without obtaining a water right. (RA)	Gov Vetoeed
SSB 5077	Morton, Rasmussen, Newhouse	Integrated Pest Management - Requires the following to implement integrated pest management (IPM) practices: the departments of Agriculture, Ecology, Fish and Wildlife, Transportation, Natural Resources, Corrections, General Administration; the Parks and Recreation Commission; the State Noxious Weed Control Board; and each state institution of higher education (for the institution's own building and grounds maintenance). Requires each to provide IPM training for employees responsible for pest management and to designate an IPM coordinator. Creates an interagency coordinating committee for IPM composed of these IPM coordinators and representatives of the Department of Labor and Industries, and Office of Superintendent of Public Instruction. Requires the committee to share information among the state agencies and institutions and to facilitate interagency coordination; and requires a biennial report through the year 2001 regarding the progress of IPM programs. (KH)	C 357 L 97
SSB 5079	Swecker	Wastewater Discharge Permits - Authorizes a person seeking a new wastewater discharge permit or a person seeking to modify an existing discharge permit to write a draft permit for submittal to the Department of Ecology if the department determines that it cannot write a draft permit within 180 days. (RA)	Gov Vetoeed
SB 5193	Prentice, Newhouse, Sellar	Farmworker Housing Tax Exemptions - Allows nonprofit organizations and housing authorities to receive a sales and use tax exemption for providing farmworker housing. Specifies penalties for when housing which has received this tax exemption is not used by farmworkers for at least five consecutive years. Requires that housing authorities have at least 80 percent of the occupants be agricultural employees whose adjusted gross income is less than 50 percent of the median family income, adjusted for household size, for the county. (BL)	C 438 L 97
ESSB 5273	Morton, Fraser, Swecker	Compensatory Mitigation - Requires the Department of Fish and Wildlife and the Department of Ecology to consider a compensatory mitigation proposal that is off-site, out-of-kind, or in advance of a project's impacts if the proposal is part of a development plan. The departments may reject the proposal if it does not provide equal or better functions as the habitat lost as a result of the development.	C 424 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		Prohibits the Department of Fish and Wildlife from requiring compensatory mitigation as a result of dredging that is part of a state or federal cleanup action. (RA)	
SSB 5276	Swecker, Roach, Oke	<p>Water Rights Permits/Resource Techniques Treatment Recharge - Requires the consideration of the costs, including environmental effects of any impoundment submitted as a component of an application for a water use permit, transfer or change, and the consideration of the benefits and costs, including environmental effects, of any other resource management technique submitted by the applicant. Permits such components to be submitted solely at the discretion of the applicant.</p> <p>Requires the Department of Ecology to take into account, when it is evaluating an application and has been so requested by the applicant, the recharge of groundwater from septic tanks or other on-site wastewater treatment facilities in an amount up to the amount of water proposed for indoor use. Allows a water right permit, transfer or change that is dependent on such a recharge to remain in effect only as long as the water use remains unchanged from that proposed in the original application. (KH)</p> <p><i>Partial Veto:</i> The Governor vetoed the provisions of the bill regarding the recharge of groundwater from septic tanks or other on-site wastewater treatment facilities.</p>	C 360 L 97 Partial Veto
2SSB 5442	Swecker, Loveland, Anderson	Flood Damage Repairs - Establishes in statute the three types of hydraulic permit approval permits currently issued by the Department of Fish and Wildlife. Establishes the conditions under which an expedited permit can be issued. Authorizes counties to declare an emergency or imminent danger. Provides a statutory definition of emergency. (RA)	C 385 L 97
SSB 5505	Morton, Rasmussen, Swecker	Water Supply Assistance - Requires that the Department of Ecology provide an applicant for a water right assistance in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area by the Office of Financial Management, if the applicant requests the assistance. Requires the supply being sought also to be consistent with watershed and water system plans if the applicant is a public water supply system. (KH)	C 443 L 97
ESB 5514	Morton, Rasmussen, Swecker	Agricultural Fees - Exempts the referendum approved assessments of an agricultural commodity commission or board from Initiative 601's prohibition against fees being increased in a fiscal year in excess of the fiscal growth factor for the fiscal year. Provides this exemption only if the assessment is approved by referendum in accordance with the statutes governing the commission or board. Allows an assessment levied by the Fruit Commission to be increased in excess of the fiscal growth factor if it is approved by referendum and allows the commission to determine the method and procedure for conducting the referendum.	C 303 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		Allows the director of the Department of Agriculture to increase, in excess of the fiscal growth factor for FY 1998, the fees for the organic certification program and to collect moneys to recover reasonable costs of publishing and disseminating information. Increases the annual licensing fee for a grain warehouse license and the annual licensing fee for a grain dealer's license by \$150. (KH)	
SB 5530	Morton, Rasmussen	Agriculture Definition - Adds a definition of "agriculture" to the Washington Industrial Safety and Health Act. Defines "Agriculture" to mean farming including any practices performed by a farmer or on a farm incident to or in conjunction with farming operations, including but not limited to preparation for market, and delivery to storage, to market, or to carriers for transportation to market. Excludes a farmer's processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. (KH)	C 362 L 97
ESB 5590	Newhouse, Fraser, Swecker	Biosolids Management Program - Authorizes the Department of Ecology (DOE) to collect a fee on entities receiving a biosolids permit. Creates an account to receive biosolids permit fees. Removes the DOE's authority to collect a surcharge on wastewater discharge permit fees. (RA)	C 398 L 97
SB 5659	Morton	Beef Commission - Increases the voting membership of the Beef Commission to a total of eight by adding one beef producer, one dairy (beef) producer, and one feeder. Allows an otherwise voting member of the commission who is the chair of the commission to vote only to break a tie vote. (KH)	C 363 L 97
SSB 5701	Morton, Rasmussen, Swecker	Commercial Soil Amendments - Allows a person to receive the express approval of the Department of Ecology (DOE) to distribute a material generated as a byproduct from the manufacturing of wood products as a commercial fertilizer. Requires the person to request the approval in writing and requires DOE to issue the approval if the material characteristics and management methods will not pose unacceptable hazards to human health and the environment and its use as a commercial fertilizer is consistent with factors intended to protect human health and the environment. Allows appeals of DOE's decisions regarding such a request. Prohibits regulating such a commercial fertilizer as solid waste; however, permits the Department of Agriculture to prohibit the distribution of such a material as commercial fertilizer in certain instances. Identifies the "guaranteed analysis" that must be listed for such a material that is to be used as a soil amendment. (KH)	C 427 L 97
ESSB 5725	Swecker, McDonald	Reclaimed Water - Clarifies that the owner of a wastewater facility reclaiming water has the exclusive right to the reclaimed water. Requires any revenue derived from the wastewater facility to be returned to the ratepayers. Requires reclaimed water to be considered in regional water supply plans if it will augment potable water supplies. States that a new water right permit is not necessary for the reclaimed water. Provides standards for discharging reclaimed water into different types of wetlands. (BL)	C 444 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SSB 5783	Swecker, Haugen, Anderson	<p>Public Water Systems/Municipal Rights - Restores procedure used before 1994 for perfecting municipal water rights. Requires the Department of Ecology to consider certain criteria in reviewing whether the public water system is commencing construction work within a reasonable amount of time. Provides that a municipality perfects its water right once it has installed the structures necessary for providing the water (pumps and pipes), and that the amount of water that may be appropriated annually is based upon the growth projection contained in the most current state-approved water system plan. Adds a definition of “municipal water supply purposes” which requires the use of water to be in full compliance with Department of Health conservation guidelines. (BL)</p> <p><i>Partial Veto:</i> The governor vetoed sections 1, 2, and 4 of the bill. The only remaining part of the bill requires the Department of Ecology to consider certain factors, such as the term and amount of financing to complete a project in fixing construction schedules and the time for when water will be put for a beneficial use for municipal water supply purposes under a water rights permit.</p>	C 445 L 97 Partial Veto
SSB 5785	Swecker, Newhouse, Morton	<p>Ground Water Rights/Consolidation of Rights - Allows a person who holds a valid groundwater permit or certificated right to consolidate that right with a groundwater right for an exempt well. Provides that the consolidation is to be in the form of an amendment to the permit or right issued by the Department of Ecology (DOE) and does not affect the priority of either of the rights being consolidated.</p> <p>Requires DOE to determine that: (1) the exempt well taps the same body of groundwater as the well governed by the permit or certificate; (2) use of the exempt well will be discontinued when the consolidation is approved; (3) legally enforceable agreements have been entered to prohibit the construction of another exempt well to replace the discontinued exempt well; (4) the exempt well will be properly decommissioned; and (5) other existing rights will not be impaired.</p> <p>States that the amount of the water to be added to the consolidated right from the exempt well is the average withdrawal from the exempt well for the most recent five-year period up to 5,000 gallons/day. Up to this limit, provides that the amount is to be not less than 800 gallons/day per residential connection or an alternative minimum amount set by the DOE in consultation with the Department of Health. (KH)</p>	C 446 L 97
SSB 5838	Swecker, Morton, Winsley	<p>On-Site Sewage Permits - Requires local health officers to respond to a person applying to install an on-site septic system within 30 days of the application, and requires a denial to be based upon cause. Standardizes the definition of sewerage for local governments and authorizes these services to be operated as part of their utility services. Prohibits rates or charges for on-site inspection and maintenance services from being imposed on the construction, reconstruction, or development of property. Directs the Department of Health to convene a workgroup during the interim to study certification of different occupations related to designing, installing, pumping, and inspecting</p>	C 447 L 97

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
		on-site septic systems. Requires the workgroup to report its findings to the Legislature by January 1, 1998. (BL)	
ESB 5959	Anderson, Morton	<p>Seed Potato Production -Allows growers of certified seed potatoes to petition the Director of Agriculture to establish a restricted seed potato production area. Requires that the petition be signed by at least 50 percent of the growers of seed potatoes who have produced at least 50 percent of the certified seed potatoes in the area within the previous two years.</p> <p>Requires the director to conduct an investigation and allows the director to adopt rules establishing restricted seed potato production areas. Allows such restricted areas to be established to prevent the increased exposure to plant diseases and insect pests that adversely affect the ability to meet standards for certification of seed potatoes established under the planting stock laws. Allows the director to bring actions to enjoin violations. (KH)</p>	C 176 L 97
ESB 7900	Swecker, Fraser, Anderson	<p>Model Toxics Control Act - Implements four of the priority issue recommendations of the Model Toxics Control Act Policy Advisory Committee. Addresses transferability of settlement agreements, liability for groundwater plumes, agency technical assistance for independent cleanups, and public participation grants. (RA)</p>	C 406 L 97

FINAL REPORT

**INDEX
TO THE BILLS REPORTED FROM THE
AGRICULTURE & ECOLOGY COMMITTEE
BUT NOT PASSED BY THE LEGISLATURE
DURING THE 1997 REGULAR SESSION**

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SHB 1026	Hay or Alfalfa B&O Tax
2SHB 1328	Hay, Alfalfa, Seed/B&O Tax
SHB 1528	Agricultural Fees
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SHB 1926	Grass Seed Farming Equipment/Tax
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2SHB 1854	Nonpoint Source Water Pollution
2SHB 2191	Dairy Waste Management

**Bills Reported from the
HOUSE AGRICULTURE AND ECOLOGY COMMITTEE
But NOT Passed by the Legislature During the
1997 Regular Session**

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
SHB 1026	Schoesler, Chandler, Sheahan	Hay or Alfalfa B&O Tax - Removes the activity of cubing hay or alfalfa from the definition of "manufacturing" for B&O tax purposes and sets the B&O tax rate for wholesale sales of cubed alfalfa or hay at 0.011 percent of the gross income derived from the sales. (KH)	H Finance (The bill is similar to SSB 5175 which was enacted as C 384 L 97 but partially vetoed.)
SHB 1112	Chandler, Mastin, Koster	Water Rights Adjudication Referee - Prohibits a person appointed by a superior court as a referee in a general adjudication proceeding for water rights from being an employee of the Department of Ecology or any other party to the proceeding and prohibits the person from having been such an employee within 3 years prior to the beginning of the proceeding. However, does not apply these restrictions to a current referee in a proceeding that is currently ongoing. Provides that expenses incurred by the court for the use of the referee be paid from appropriations made expressly for this purpose to the Office of the Administrator for the Courts. Allows such a general adjudication proceeding to be initiated only if the administrator for the courts determines there are sufficient funds available to support a referee for the adjudication from the monies appropriated for this purpose. (KH)	H Rules 3C (The bill reached the S 2 nd Reading Calendar before the end of the 1997 Regular Session.)
ESHB 1113	Chandler, Mastin, McMorris	Surplus Water Use - Water Made Surplus. Declares that the use of irrigation district-supplied water made surplus through the implementation of efficiency measures is regulated solely by the irrigation district, for the benefit of the district generally. Allows a person who holds a right to water other than district-supplied water to use water made surplus to the right through efficiency measures or through crop changes if the use is on other parcels of land owned by the person that are contiguous to the lands upon which use of the water was authorized before this change. Requires that a notification made to DOE regarding such a change provide a change in the person's or district's right and may provide a change in a federal reclamation project's right within the limits set by the United States for the project. Establishes a presumption that such a change does not impair the use of a water right that is senior to the right being changed. However, grants the department one year to request the local superior court to decide such a question de novo. Places the burden of proof in overcoming the presumption of non-impairment on the department. Does not apply the presumption to a claim made in superior court by a person with a water right that such a change	H Rules 3C (The House refused to concur with the Senate amendments.)

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
		regarding surplus water made by a junior water right holder impairs the use of the person's senior water right. Sets the priority date for the right to use such surplus water as the priority date of the original water right. Applies these provisions regarding surplus water only to changes in the use of agricultural water to other or expanded agricultural uses. <u>Transfers.</u> Prohibits DOE from initiating relinquishment proceedings regarding a water right for which an application for a transfer or change is filed for two years after making a decision on the application. Declares that the rights expressly protected from being detrimentally affected by a transfer or change do not include those represented by applications for new water rights or undeveloped permits for water use. States that certain statutory requirements for applications for new water rights do not apply to transfers or changes. Establishes conditions for the approval of water transfers by irrigation districts. (KH)	
SHB 1114	Mastin, Chandler, McMorris	Reclaimed Water - Allows reclaimed water that meets Class A or B water standards to be discharged into wetlands if the discharge is in accordance with a water or sewer comprehensive plan and is approved by the Dept. of Health or Ecology. Authorizes reclaimed water that does not meet Class A or B water standards to be discharged into treatment wetlands as part of the wastewater or storm water treatment process when authorized by the Dept. of Ecology in consultation with the Dept. of Health. (BL)	H Rules 3C (The bill reached S Ways & Means before the end of the 1997 Regular Session. It was added to ESSB 5725 which has been enacted as C 444 L 97.)
ESHB 1115	Mastin, Chandler, McMorris	DOE Water-Related Actions - Required relinquishment actions to be filed in superior court in which the land is located upon which the water is used instead of the Pollution Control Hearings Board (PCHB). Established an informal hearing process for water quantity decisions before the PCHB. An informal hearing must be held if requested, and consisted of mediation and may include fact-finding. A member of the PCHB or an administrative law judge from the Environmental Hearings Office conducts the informal hearing. The fact-finder's findings and recommendations are not binding. After an informal hearing, the dispute may be appealed either before the PCHB as a formal hearing or directly to superior court. If appealed directly to superior court, no issue can be raised that was not addressed as part of the fact-finding. (BL)	H Rules 3C (The bill reached S Ways & Means before the end of the 1997 Regular Session. It was added to 2SHB 2054 by the Senate but vetoed by the Governor.)
E2SHB 1127	Schoesler, Linville, Chandler	Integrated Pest Management - Requires a number of state agencies to implement integrated pest management (IPM) practices and requires each state institution of higher education to do so for the institution's own building and grounds maintenance. Requires each to provide IPM training for employees responsible for pest management and to designate an IPM coordinator. Creates an interagency coordinating committee for IPM and requires the committee to share information and facilitate interagency coordination. Requires a biennial report through the year 2001 regarding the progress of IPM programs. (KH)	H Rules 3C (The bill reached S Ways & Means before the end of the 1997 Regular Session. It is similar to SSB 5077 which was enacted as C 357 L 97.)
SHB 1298	Chandler, Linville Schoesler	Regulating Compensatory Mitigation - Requires the Department of Fish and Wildlife and the Department of Ecology to consider a compensatory mitigation proposal that is off-site, out-of-kind, or in	H Rules 3C (The bill reached S Agriculture & Environment before

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
		advance of a project's impacts if the proposal is part of a development plan. The departments may reject the proposal if it does not provide equal or better functions as the habitat lost as a result of the development. Prohibits the Department of Fish and Wildlife from requiring compensatory mitigation as a result of dredging that is part of a state or federal cleanup action. (RA)	the end of the 1997 Regular Session. It is identical to ESSB 5273 which was enacted as C 424 L 97.)
2SHB 1328	Schoesler, Chandler, Sheahan	Hay, Alfalfa, Seed/B&O Tax - Removes the activity of cubing hay or alfalfa from the definition of "manufacturing" for B&O tax purposes. Sets the B&O tax rate at 0.011 percent of the gross sales income for wholesale sales of cubed alfalfa or hay and wholesale sales of conditioned seed for wheat, oats, dry peas, dry beans, lentils, triticale, canola, corn, rye, and barley. (KH)	H Rules X (The bill is similar to SSB 5175 which was enacted as C 384 L 97 but partially vetoed.)
E2SHB 1354	Pennington, Mielke, Dunn	Air Pollution Control - Directs the Department of Ecology to revise its state implementation plan by changing the vehicle emission testing boundaries in Clark County. Creates a science advisory board to review decisions relating to vehicle emission testing programs. Reduces the maximum vehicle inspection fee to \$14. Prohibits a non-elected representative of a local air pollution control authority board from serving as chair. (RA)	H Rules 3C (The bill reached S Agriculture & Environment before the end of the 1997 Regular Session.)
ESHB 1443	Mastin, Grant, Johnson	Flood Damage Repairs - Establishes in statute the three types of hydraulic permit approval permits currently issued by the Department of Fish and Wildlife. Establishes the conditions under which an expedited permit can be issued. Authorizes counties to declare an emergency or imminent danger. Provides a statutory definition of emergency. (RA)	H Rules 3C (The bill reached S Natural Resources & Parks before the end of the 1997 Regular Session. It is identical to 2SSB 5442 which was enacted as C 385 L 97.)
HB 1488	Chandler, Linville, Thomas	Puget Sound Action Team - Alters the membership of the Puget Sound Action Team by replacing the director of the Department of Natural Resources with the Commissioner of Public Lands. (KH)	H Rules 3C (The bill reached S Agriculture & Environment before the end of the 1997 Regular Session.)
HB 1489	Chandler, Linville, Thomas	Public Works/Water Pollution Funds - Allows a city, town, or county to be eligible to receive grants and loans from the public works trust fund and the water quality account despite the local government's noncompliance with the Growth Management Act, when it is necessary to address a public health need or substantial environmental degradation. (BL)	H Rules 3C (The bill reached S 2 nd Reading Calendar before the end of the 1997 Regular Session. It was added to ESB 6094 which was enacted as C 429 L 97 but partially vetoed.)
SHB 1528	Chandler, Clements, Linville	Agricultural Fees - Allows an increase in the fees for the organic certification program that is, for FY 1998, in excess of the fiscal growth factor. Allows the Department of Agriculture to recover reasonable costs of publishing and disseminating information in printed or electronic format. (KH)	H Rules R (The bill is similar to parts of ESB 5514 which has been enacted as C 303 L 97.)
SHB 1613	Chandler, Regala	Biosolids Management Program - Authorizes the Department of Ecology (DOE) to collect a fee on entities receiving a biosolids permit.	H Rules 3C (The bill reached S

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
		Creates an account to receive biosolids permit fees. Removes the DOE's authority to collect a surcharge on wastewater discharge permit fees. (RA)	Agriculture & Environment before the end of the 1997 Regular Session. It is identical to ESB 5590 was enacted as C 398 L 97.)
SHB 1681	Clements, Linville, Cooke	Solid Waste Management - Expands the membership of the solid waste advisory committee. Directs the committee to make recommendations to the Department of Ecology. Repeals committee responsibilities relating to the Governor's environmental excellence award. (RA)	H Appropriations
SHB 1834	Chandler, Linville, Schoesler	Agriculture Defined - Provides guidance in determining when operations are to be regulated under the Washington Industrial Safety and Health Act as agricultural operations and when they are to be regulated under other safety standards by defining "agriculture." Defines the term as including any practices performed by a farmer or on a farm incident to or in conjunction with such farming operations, including but not limited to preparation for market, and delivery to storage, market, or carriers for transportation to market. Excludes a farmer's processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. (KH)	H Rules 3C (The bill reached S Agriculture & Environment before the end of the 1997 Regular Session. It is similar to SB 5530 which was enacted as C 362 L 97.)
2SHB 1854	Chandler, Linville, Koster	Nonpoint Source Water Pollution - Provides \$5 million dollars each biennium to the State Conservation Commission for 5 biennia. Funds must be used by local conservation districts for non-point pollution programs. (RA)	H Rules R (\$5 million dollars was provided to the Commission for non-point programs in the capital budget. See Section 333 of C 235 L 97.)
HB 1881	Wensman, Scott, Linville	Public Water Systems - Restored previous procedure for perfecting municipal water rights which was used before 1994. Provided that a municipality perfected its water right under a permit once it has installed the structures necessary for providing the water (pumps and pipes). (BL)	H Rules 3C (The bill reached S Agriculture & Environment before the end of the 1997 Regular Session. It is similar to SSB 5783 which was enacted as C 445 L 97 but partially vetoed by the Governor.)
SHB 1926	Sterk, Sheahan, Crouse	Grass Seed Farming Equipment/Tax - Exempted machinery and equipment used directly in field and turf grass seed farming by a field and turf grass seed farmer from the sales and use taxes. Exempted labor and services for installing, repairing, cleaning, altering, or improving the machinery and equipment from the sales tax. (BL)	H Finance
SHB 2051	Chandler, Linville, Regala	Hazardous Waste Remediations/Taxation - Creates a uniform tax structure for contracted hazardous waste cleanups. Contracted cleanups are exempt from the sales tax and are taxed at a rate of 0.471% for the Business and Occupation tax. (RA)	H Rules 3C (The bill reached S Ways & Means before the end of the 1997 Regular Session.)

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
HB 2052	Chandler, Clements, Honeyford	Commodity Commissions & Boards - Exempts the referendum approved assessments of an agricultural commodity commission or board from Initiative 601's prohibition against fees being increased in a fiscal year in excess of the fiscal growth factor for the fiscal year. Provides this exemption only if the assessment is approved by referendum in accordance with the statutes governing the commission or board. (KH)	H Appropriations (The bill is similar to parts of ESB 5514 which has been enacted as C 303 L 97.)
SHB 2053	Chandler, Clements	Commodity Assessments - Allows an assessment levied by the Fruit Commission to be increased in excess of the fiscal growth factor if it is approved by referendum and allows the commission to determine the method and procedure for conducting the referendum. (KH)	H Rules R (The bill is similar to part of ESB 5514 which has been enacted as C 303 L 97.)
SHB 2062	Linville, Chandler, Gardner	Seed Crop Standards - Allows a marketing order adopted under the Agricultural Enabling Act of 1955 to set standards for sanitation and geographic isolation for seed production. Permits the implementing commodity commission to adopt and enforce rules providing isolation between seed crops and other crops susceptible to cross pollination or infection with diseases known to infect the seed crop. (KH)	H Rules 3C (The bill reached S Agriculture & Environment before the end of the 1997 Regular Session. The bill is similar to ESB 5959 which has been enacted as C 176, L 97.)
HB 2172	Chandler, Mielke, Mastin	Bee Fee for Pollination - Repeals a 50¢/hive pollination service fee levied on growers of agricultural crops for bee pollination services provided by others. (KH)	H Rules 3C (The bill reached S Agriculture & Environment before the end of the 1997 Regular Session.)
ESHB 2186	Linville, Regala, Chandler	Water Resource Inventory Area - Directs the Puget Sound Water Quality Action Team to develop a geographic information system methodology to identify critical watershed functions and to map those functions in a Puget Sound watershed. Directs the Action Team to use the information from the methodology in the selected watershed to determine if the information can expedite specified permitting and planning requirements. (RA)	H Rules 3C (The bill reached S Ways & Means before the end of the 1997 Regular Session.)
2SHB 2191	Koster, Chandler, Robertson	Dairy Waste Management - Creates a new regulatory program for the management of dairy animal wastes. Creates new inspection, planning, and enforcement provisions. Creates an oversight committee to monitor implementation of the inspection program. (RA)	H Rules R
EHCR 4407	Clements, Chandler, Honeyford	Yakima Valley Water Storage - Creates a Joint Select Committee on Yakima Valley Water Storage to examine means of increasing existing water storage in Bumping Lake and creating new water storage in Pine Hollow and other areas of Yakima County. Requires the committee to report its recommendations to the Legislature by December 1, 1997. (KH)	H Rules 3C (The bill reached S Rules before the end of the 1997 Regular Session.)
SSB 5208	Morton, Loveland, Newhouse	Environmental Complaints - (As reported by H Agriculture & Ecology) Requires the Dept. of Ecology and local air pollution control authorities to provide at least 24 hours notice to persons alleged to have committed air or water pollution violations on agricultural or forest lands before entering the property unless it is to enforce the terms of a permit or an emergency exists. The agency representative	S Rules 3 (The bill reached H 2 nd Reading Calendar before the end of the 1997 Regular Session.)

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
		<p>must present credentials upon entering the property and inform the property owner of his or her right to refuse entry. If entry is properly denied, no enforcement action may be taken against the property owner and the agency must obtain a search warrant to enter the property. If an emergency is used as the reason for entering the property, the property owner must be provided with the basis for the emergency within 10 days of entry. No formal commencement actions may be taken for a violation of air or water quality standards on such land without cogent, site-specific evidence. When the agency or local air pollution control authority receives a complaint regarding air or water pollution on agricultural or forest land, the name and address of the complainant must be documented but is not subject to public disclosure. If the same person makes a series of complaints that are proven to be baseless, the agency must notify the person making the complaints that the next baseless complaint constitutes grounds for an infraction for filing frivolous complaints. An infraction is punishable as a civil fine up to \$5000. (BL)</p>	
SB 5468	Rasmussen, Morton, Fraser	<p>Beekeeping - Adds agricultural bee keeping to the agricultural activities that may be exempt from nuisance control. Repeals a 50¢/hive pollination service fee levied on growers of agricultural crops for bee pollination services provided by others, and requires the Apiary Advisory Committee to examine means of offsetting, from sources within the apiary industry, the reduction in revenues resulting from the repealer. Requires an examination of the benefits that could result from locating additional pollinating bees on certain state managed lands. (KH)</p>	S Rules 3 (The House refused to recede from its amendments.)
SSB 5526	McDonald, Sellar, Anderson	<p>Water Diversion/Permits - (As amended on 2nd Reading in the House) Allows up to 30% (10% by any one diverter) of the flow of the Snohomish River to be diverted for beneficial use without a state water use permit if the diversion is made within one mile of the point at which the freshwater of the river begins to mix with saltwater. Allows up to 30% of the inflow to Lake Washington to be diverted for beneficial use without a state water use permit if the diversion is made at the navigation locks. Requires prior notice to be filed with the Department of Ecology and requires the department to report to the Legislature on the effects and effectiveness of the diversions by January 1, 2002. (KH)</p>	H Failed on 3 rd Reading
SSB 5527	McDonald, Rasmussen, Sellar	<p>Irrigation System Efficiency - (As Passed by the Senate) Allows the transfer or change of the portion of the water originally used under a water right but saved through the installation of a water-efficient irrigation system. Requires DOE to allow the transfer of an amount equal to the “reduction in evaporative loss” which is the amount of water that is no longer lost to further use as a result of changing from a conventional irrigation system to a water-efficient irrigation system, including the reduction in the amount of water consumed through evaporation or through transpiration by nonproductive plants such as cover crops, but not water that contributed to return flows used to satisfy existing rights. In addition, requires DOE to evaluate whether there are additional net water savings that result directly from installation of the system that could be transferred without detriment to</p>	S Rules 3 (The Senate refused to concur with the House amendments.)

BILL NO.	PRIME SPONSORS	SUMMARY	STATUS
		<p>other existing water users. Declares such a "net water savings" to be as defined in the statewide trust water right system as the amount conserved and usable within a stream reach for other purposes without: impairing existing water rights, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses. Requires the transfer to be made under current laws regarding the transfer of surface water rights and grants the transferred portion of the water use the same date of priority (seniority) as the water right from which it originated, but makes it inferior in priority to the original right unless otherwise provided by contract. States that the use of water supplied by an irrigation district that is saved through installation of a qualifying water-efficient irrigation system is regulated solely as provided by the district. Allows DOE to establish a streamlined procedure to quantify the reduction in the evaporative loss and allows certain presumptions regarding the validity of the rights from which water is to be transferred. Allows persons voluntarily to enter contracts with DOE and permits DOE to use funds authorized for the purchase of water savings made available under these procedures, but requires the methods of calculating the amount of water transferrable to another party and for determining the amount of water transferrable to the state to be the same.</p> <p>When DOE approves any transfer or change of a surface water right, requires DOE to issue the applicant an authorization to make the transfer or change and to issue a water right certificate for the transfer or change only when it is completed. Establishes conditions for the approval of water transfers by irrigation districts. (KH)</p> <p>[Note: The House amendments to the bill replaced these provisions with the text of ESHB 1113.]</p>	
2SSB 5842	Swecker, Winsley	<p>Litter Control and Recycling - Changes the distribution formula for appropriations from the Litter Control Account to the Department of Ecology. Creates a task force to study issues relating to revenues to and expenditures from the account. (RA)</p>	S Rules 3 (The H passed on 3 rd Reading a second time with amendments.)
SSCR 8408	Morton, Snyder, McDonald	<p>Water Resource Policy Report - (As reported by H Agriculture & Ecology) Creates a joint select committee on Clarifying State Water Law to examine hard-to-interpret provisions of the statutes governing water allocation, instream flows, and other related water resource management issues and requires the committee to recommend clarifications to the provisions without changing state policy. Requires the joint select committee to report its recommendations to the Legislature in the form of proposed legislation by December 1, 1997. (KH)</p>	S Rules 3 (The bill reached H 2 nd Reading Calendar before the end of the 1997 Regular Session.)

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<u>PESTICIDES</u>	
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But Not Reported From the Committee**

BILL NO.	PRIME SPONSORS	BRIEF TITLE	SINE DIE STATUS
HB 1116	Mastin, Chandler, McMorris	Establishing criteria to determine hydraulic continuity.	H Ag & Ecology (Hearings held 1/23/97 and 1/27/97)
HB 1133	Regala, Anderson	Financing implementation of watershed plans.	H Ag & Ecology
HB 1192	Fisher, Murray, Wolfe	Regarding the office of marine safety.	H Ag & Ecology
HB 1350	Koster, Johnson, Backlund	Concerning the reduction of flood damage.	H Ag & Ecology
HB 1396	Delvin, Regala	Limiting the purchase of automotive volatile organic compound materials.	H Ag & Ecology (Hearing held 2/3/97)
HB 1476	Buck, Doumit, Kessler	Concerning standards for recycled products.	H Ag & Ecology (Hearings held 2/3/97 and 2/5/97)
HB 1645	Wensman, Scott, Wolfe	Considering population projections in determining adequacy of water supply.	H Ag & Ecology (Hearing held 2/10/97)
HB 1664	Regala, Fisher, Romero	Adopting the marine waters and salmon habitat protection act.	H Ag & Ecology
HB 1700	McMorris, Wood, Linville	Allowing a property tax credit as an incentive for the improvement of streams, rivers, and riparian areas.	H Ag & Ecology
HB 1701	McMorris, Schoesler	Forbidding the department of agriculture from accepting or investigating anonymous complaints concerning the use and application of pesticides.	H Ag & Ecology
HB 1702	McMorris, Koster, Schoesler	Altering recertification requirements for private pesticide applicators.	H Ag & Ecology (Hearing held 2/17/97)
HB 1703	McMorris, Koster, Wood	Regulating weed control on state land.	H Ag & Ecology

BILL NO.	PRIME SPONSORS	BRIEF TITLE	SINE DIE STATUS
HB 1704	McMorris	Revising department of ecology entry authority for water quality complaints caused by agricultural activity.	H Ag & Ecology
HB 1775	Cole, Conway, Cody	Requiring notification of pesticide application.	H Ag & Ecology (Hearing held 2/26/97)
HB 1889	Mastin	Authorizing petition process for inclusion of lands in smaller irrigation districts.	H Ag & Ecology (Hearing held 2/24/97)
HB 1953	Regala, Anderson, Butler	Protecting water quality.	H Ag & Ecology
HB 1994	Van Luven, Romero, Anderson	Requiring that pet breeders register with the department of health.	H Ag & Ecology
HB 1998	Clements, Chandler, Cole	Applying pesticides.	H Ag & Ecology (Hearing held 2/26/97)
HB 2005	Cooper, Grant, Regala	Preserving the independence of the office of marine safety and transferring vessel contingency plan requirement and approval functions from the office of marine safety to the department of ecology.	H Ag & Ecology
HB 2049	Chandler, Clements	Funding research on diseases and pests that threaten bees.	H Ag & Ecology
HB 2055	Chandler, Linville	Authorizing fees for the state's organic certification program.	H Ag & Ecology (Hearing held 2/24/97)
HB 2081	Parlette, Chandler	Requiring buffers between agricultural and residential lands.	H Ag & Ecology (Hearing held 3/14/97)
HB 2088	Chandler	Changing litter provisions.	H Ag & Ecology (Hearing held 3/3/97)
HB 2162	Koster	Creating a dairy waste management program.	H Ag & Ecology
HB 2185	Anderson, Morris, Kessler	Requiring development of a computer model to evaluate existing safety precautions to prevent a catastrophic oil spill.	H Ag & Ecology
HB 2216	Mastin, Chandler, Grant	Burning field and turf grass for seed.	H Ag & Ecology (Hearing held 3/5/97)
ESSB 5075	Swecker, Rasmussen	Regulating use activities under the Shoreline Management Act.	S Rules 3 (Hearing held 3/20/97)

BILL NO.	PRIME SPONSORS	BRIEF TITLE	SINE DIE STATUS
ESSB 5281	Morton, Rasmussen, Stevens	Updating and modifying certain noxious weed provisions.	S Rules 3 (Hearing held 3/20/97)
SB 5331	Swecker, Fraser	Revising provisions for solid waste permits.	S Rules 3 (Hearing held 3/24/97)
SSB 5474	Hargrove, Morton, Snyder	Concerning standards for recycled products.	S Rules 3 (Hearing held 4/3/97)
SSB 5703	Anderson, Morton	Concerning a water right for the beneficial use of water.	S Rules 3
SSB 5799	Deccio, Rasmussen, Newhouse	Transferring funds for plant pest control activities.	S Rules 3 (Hearing held 3/26/97)
SSB 5851	Morton, Rasmussen, Oke	Developing an existing ground water right.	S Rules 3