



DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Supplement No. 76*

FIFTY-EIGHTH LEGISLATURE

Monday, June 9, 2003

29th Day - 2003 1st Special

SENATE

SB 5028-S
SB 5341-S2
SB 5463
SB 6058-S
SB 6093
SB 6094
SB 6095

HOUSE

HB 1782-S
HB 2151-S

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House Bills

HB 1782-S by House Committee on Capital Budget (originally sponsored by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards)

Creating a competitive grant program for nonprofit youth organizations.

(AS OF HOUSE 2ND READING 6/04/03)

Directs the department of community, trade, and economic development to establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist nonprofit youth organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential services, excluding outdoor athletic fields.

Requires the department of community, trade, and economic development to submit a prioritized list of recommended projects to the governor and the legislature in the department of community, trade, and economic development's biennial capital budget request beginning with the 2005-2007 biennium and thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed two million dollars. The department of community, trade, and economic development may provide an additional alternate project list that must not exceed five hundred thousand dollars. The department of community, trade, and economic development may not sign contracts or otherwise financially obligate funds under this act until the legislature has approved a specific list of projects.

-- 2003 REGULAR SESSION --

Feb 24 CB - Majority; 1st substitute bill be substituted, do pass.
Feb 26 Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.
Mar 6 1st substitute bill substituted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 91; nays, 0; absent, 7.

- IN THE SENATE -

Mar 7 First reading, referred to Ways & Means.
Apr 14 WM - Majority; do pass.
Passed to Rules Committee for second reading.
Apr 15 Placed on second reading by Rules Committee.
Apr 27 By resolution, returned to House Rules Committee for third reading.

-- 2003 1ST SPECIAL SESSION --

- IN THE HOUSE -

Jun 4 By resolution, reintroduced and retained in present status.
Rules Committee relieved of further consideration. Placed on third reading.
Rules suspended.
Returned to second reading for amendment.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 92; nays, 0; absent, 6.

- IN THE SENATE -

Read first time, rules suspended, and placed on second reading calendar.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 46; nays, 1; absent, 2.

- IN THE HOUSE -

Jun 5 Speaker signed.

- IN THE SENATE -

President signed.

- OTHER THAN LEGISLATIVE ACTION -

Jun 6 Delivered to Governor.

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 6/04/03)

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.

Requires the higher education coordinating board, in consultation with the office of financial management and the joint legislative audit and review committee, to develop common definitions that public four-year institutions and the state board for community and technical colleges shall use in developing their project lists under this act.

Provides that, beginning with the 2005-2007 biennial capital budget submittal, the higher education coordinating board shall, in consultation with the state board for community and technical colleges and four-year colleges and universities, submit its capital budget recommendations

and the separate two-year and four-year prioritized project 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.
- Apr 14 WM - Majority; do pass with amendment(s).
Passed to Rules Committee for second reading.
- Apr 17 Placed on second reading by Rules Committee.
- Apr 27 By resolution, returned to House Rules Committee for third reading.

-- 2003 1ST SPECIAL SESSION --

- IN THE HOUSE -

- Jun 4 By resolution, reintroduced and retained in present status.
Rules Committee relieved of further consideration. Placed on third reading.
Rules suspended.
Returned to second reading for amendment.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 91; nays, 1; absent, 6.

- IN THE SENATE -

- Read first time, rules suspended, and placed on second reading calendar.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 45; nays, 2; absent, 2.

- IN THE HOUSE -

- Jun 5 Speaker signed.

- IN THE SENATE -

- President signed.

- OTHER THAN LEGISLATIVE ACTION -

- Jun 6 Delivered to Governor.

Senate Bills

SB 5028-S by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Hale)

Clarifying the state's authority to regulate water pollution.

(AS OF SENATE 2ND READING 6/05/03)

Finds that the courts have rendered decisions in *Elkhorn (Public Utility District No. 1 v. Washington Department of Ecology*, 511 U.S. 700, 114 S. Ct. 1900, 128 L.Ed. 2d 716 (1994)) and *Sullivan Creek (Public Utility District No. 1 of Pend Oreille County v. Washington Department of Ecology*, 146 Wn.2d 778, 51 P.3d 744 (2002)) related to water quality certifications issued under section 401 of the clean water act, 33 U.S.C. 1251 et seq. Enactment of this legislation does not expand or contract the legal holdings of these decisions and does not affect in any way the application of these holdings to any future case or fact pattern related to water quality certifications issued for federally licensed hydropower facilities under section 401 of the clean water act, 33 U.S.C. 1251 et seq.

Provides that, when a water quality standard cannot be reasonably met through the issuance of permits or regulatory orders issued under the authority of this act, the department may use voluntary, incentive-based methods including funding of water conservation projects, lease and purchase of water rights, development of new storage projects, or habitat restoration projects in an attempt to meet water quality standards.

Provides that, for instances of the waste of water under RCW 90.03.400, the department may alternatively follow the sequence of enforcement actions as provided in RCW 90.03.605.

Provides that, in determining the amount of a penalty to be levied, the department shall consider the seriousness of the violation, whether the violation is repeated or continuous after notice of the violation is given, and whether any damage has occurred to the health or property of other persons.

-- 2003 REGULAR SESSION --

- Feb 6 NR - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass 1st substitute.
- Feb 7 Passed to Rules Committee for second reading.
- Mar 7 Placed on second reading by Rules Committee.
- Mar 13 1st substitute bill substituted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 26; nays, 23; absent, 0.

- IN THE HOUSE -

- Mar 15 First reading, referred to Agriculture & Natural Resources.
- Apr 4 AGNR - Executive action taken by committee.
AGNR - Majority; do pass with amendment(s).
Minority; do not pass.
Passed to Rules Committee for second reading.

- Apr 14 Placed on second reading by Rules Committee.
 Apr 27 By resolution, returned to Senate Rules Committee for third reading.

-- 2003 1ST SPECIAL SESSION --

- IN THE SENATE -

- Jun 4 By resolution, reintroduced and retained in present status.
 Placed on third reading by Rules Committee.
 Jun 5 Rules suspended.
 Returned to second reading for amendment. Floor amendment(s) adopted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 26; nays, 22; absent, 1.

SB 5341-S2 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles)

Establishing a quality maintenance fee on nursing facilities.

(AS OF SENATE 2ND READING 6/04/03)

Provides that, in addition to any other tax, a quality maintenance fee is imposed on every nonexempt nursing facility in this state. The quality maintenance fee is six dollars and fifty cents per patient day.

Requires each operator of a nonexempt nursing facility to file a return with the department on a quarterly basis. The return is due within thirty days after the end of each calendar quarter. The return shall include the following: (1) The number of patient days for nonexempt nursing facilities operated by that person in that month; and

(2) Remittance of the nonexempt nursing facility operator's quality maintenance fee for that month.

Declares that all of chapter 82.32 RCW, except RCW 82.32.045 and 82.32.270, applies to the fee imposed by this act, in addition to any other provisions of law for the payment and enforcement of the fee imposed by this act.

Provides that, by July 1st of each year, each nursing facility operator shall file a report with the department of social and health services listing the patient days and the gross income for the prior calendar year for each nursing facility that he or she operates.

Provides that, by August 1, 2003, the department of social and health services shall submit for approval to the federal department of health and human services a request for a waiver pursuant to 42 C.F.R. 433.68. The waiver shall identify the nursing facilities that the department proposes to exempt from the quality maintenance fee.

Directs the department of social and health services to notify the department of revenue and the nursing facility operator of the nursing facilities that would be exempted from the quality maintenance fee pursuant to the waiver request submitted to the federal department of health and human services. The nursing facilities included in the waiver request may withhold payment of the fee pending final action by the federal government on the request for waiver.

Provides that, if the request for waiver is approved, the department of social and health services shall notify the department of revenue and the nursing facility operator that no quality maintenance fee is due from the facility. If the request for waiver is denied, nursing facility operators who

have withheld payment of the fee shall pay all such fees as have been withheld. No interest or penalties shall be due upon such withheld payments for the period during which final federal action was pending.

-- 2003 REGULAR SESSION --

- Apr 4 WM - Majority; 2nd substitute bill be substituted, do pass.
 Minority; do not pass.
 Passed to Rules Committee for second reading.
 Apr 10 Made eligible to be placed on second reading.
 Apr 11 Placed on second reading by Rules Committee.
 Apr 14 2nd substitute bill substituted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 38; nays, 11; absent, 0.

- IN THE HOUSE -

- Apr 16 First reading, referred to Appropriations.
 Apr 22 APP - Executive action taken by committee.
 APP - Majority; do pass with amendment(s).
 Minority; do not pass.
 Apr 23 Placed on second reading.
 Apr 25 Committee amendment adopted with no other amendments.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 92; nays, 6; absent, 0.

- IN THE SENATE -

- Apr 26 Senate refuses to concur in House amendments. Asks House to recede from amendments.

- IN THE HOUSE -

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

-- 2003 1ST SPECIAL SESSION --

- IN THE SENATE -

- Jun 4 Placed on third reading by Rules Committee.
 Rules suspended.
 Returned to second reading for amendment. Floor amendment(s) adopted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 38; nays, 8; absent, 3.

- IN THE HOUSE -

- Jun 5 Read first time, rules suspended, and placed on second reading calendar.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 89; nays, 8; absent, 1.

- IN THE SENATE -
 President signed.

- IN THE HOUSE -

- Jun 6 Speaker signed.

SB 5463 by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin; by request of Secretary of State

Authorizing a pilot project for military and overseas voters to vote over the Internet.

(AS OF SENATE 2ND READING 6/05/03)

Authorizes a pilot project for military and overseas voters to vote over the Internet.

Provides that, notwithstanding any provisions of Title 29 RCW, between the effective date of this act and December 31, 2004, the counties of Thurston, Pierce, Kitsap, Spokane, Snohomish, Island, and Cowlitz may participate in the pilot project Secure Electronic Registration and Voting Experiment (SERVE) authorized in the National Defense Authorization Act (P.L. 107-107).

Provides that the SERVE pilot project must allow registered overseas voters, as defined in RCW 29.01.117, and registered service voters, as defined in RCW 29.01.155, to cast their votes electronically, including over the Internet and the World Wide Web.

Directs the secretary of state to collect and publish data on the number of overseas and service voters who requested to participate in the pilot project, the number of overseas and service voters who participated in the pilot project, the number of ballots received electronically, the number of ballots rejected, and the reasons ballots were rejected.

Provides that, by January 31, 2005, the secretary of state must compile and present a report on the results of the pilot project to the state government committee of the house of representatives and the government operations and elections committee of the senate.

Requires that the secretary of state must terminate the SERVE pilot project within a participating county if, anytime between the effective date of this act and December 31, 2004, the participating county fails to use the SERVE pilot project in any election for which the SERVE voting system is available for use.

Expires January 31, 2005.

-- 2003 REGULAR SESSION --

Jan 27 First reading, referred to Government Operations & Elections.
 Feb 12 GO - Majority; do pass.
 Feb 13 Passed to Rules Committee for second reading.
 Feb 28 Made eligible to be placed on second reading.
 Mar 7 Placed on second reading by Rules Committee.
 Mar 16 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 48; nays, 0; absent, 1.
- IN THE HOUSE -
 Mar 18 First reading, referred to State Government.
 Mar 27 SG - Executive action taken by committee.
 SG - Majority; do pass.
 Minority; without recommendation.
 Mar 31 Passed to Rules Committee for second reading.
 Apr 9 Placed on second reading by Rules Committee.
 Apr 23 Referred to Rules 2 Consideration.
 Apr 27 By resolution, returned to Senate Rules Committee for third reading.

-- 2003 1ST SPECIAL SESSION --

- IN THE SENATE -

Jun 4 By resolution, reintroduced and retained in present status.
 Placed on third reading by Rules Committee.
 Jun 5 Rules suspended.
 Returned to second reading for amendment.
 Floor amendment(s) adopted.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 45; nays, 1; absent, 3.

- IN THE HOUSE -

Read first time, rules suspended, and placed on second reading calendar.
 Rules suspended. Placed on Third Reading.
 Third reading, passed: yeas, 89; nays, 8; absent, 1.

- IN THE SENATE -

Jun 6 President signed.

- IN THE HOUSE -

Speaker signed.

SB 6058-S by Senate Committee on Ways & Means (originally sponsored by Senator Oke; by request of Office of Financial Management)

Modifying the distribution of state property taxes.

(AS OF SENATE 2ND READING 6/04/03)

Provides that: (1) For the 2004-2005 school year, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on two hundred fifty-four dollars per full-time equivalent student.

(2) For the 2005-2006 school year, an amount equal to three hundred dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred dollars per full-time equivalent student.

(3) For the 2006-2007 school year, an amount equal to three hundred seventy-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred seventy-five dollars per full-time equivalent student.

(4) For the 2007-2008 school year, an amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on four hundred fifty dollars per full-time equivalent student.

(5) Each subsequent year following the 2007-2008 school year, the amount deposited and distributed shall be adjusted for inflation as defined in RCW 43.135.025(8).

Provides that, beginning with the 2004-2005 school year: (1) The annual distributions to each school district shall be based on the average number of full-time equivalent students in the school district from the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year; and

(2) The school district annual amounts as defined in this act shall be distributed on the monthly apportionment

schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule distributions.

-- 2003 REGULAR SESSION --

- Apr 4 WM - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass. Passed to Rules Committee for second reading.
- Apr 11 Placed on second reading by Rules Committee.
- Apr 15 1st substitute bill substituted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 29; nays, 20; absent, 0.
- IN THE HOUSE -**
- Apr 17 First reading, referred to Finance.
- Apr 26 FIN - Executive action taken by committee. FIN - Majority; do pass with amendment(s). Minority; do not pass. Placed on second reading.
- Apr 27 By resolution, returned to Senate Rules Committee for third reading.

-- 2003 1ST SPECIAL SESSION --

- IN THE SENATE -**
- Jun 4 By resolution, reintroduced and retained in present status. Placed on third reading by Rules Committee. Rules suspended. Returned to second reading for amendment. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 28; nays, 19; absent, 2.
- IN THE HOUSE -**
- Jun 5 Read first time, rules suspended, and placed on second reading calendar. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 66; nays, 31; absent, 1.
- IN THE SENATE -**
- President signed.
- IN THE HOUSE -**
- Jun 6 Speaker signed.

SB 6093 by Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel, Rossi, Zarelli, Benton, B. Sheldon and Shin

Allowing soliciting to host official legislative conferences. Provides that, when soliciting gifts, grants, or donations to host an official conference within the state of Washington of a national legislative association as approved by both the chief clerk and the secretary of the senate, designated legislative officials and designated legislative employees are

presumed not to be in violation of the solicitation and receipt of gift provisions in chapter 42.52 RCW. For the purposes of this act, any legislative association must include among its membership the Washington state legislature or individual legislators or legislative staff.

-- 2003 1ST SPECIAL SESSION --

- Jun 6 Held on first reading.

SB 6094 by Senators Carlson and Jacobsen

Changing the school district levy base calculation. Revises the school district levy base calculation.

-- 2003 1ST SPECIAL SESSION --

- Jun 6 Held on first reading.

SB 6095 by Senator Johnson

Concerning school district levies. Amends RCW 84.52.0531 and 28A.500.030 relating to school district levies.

-- 2003 1ST SPECIAL SESSION --

- Jun 6 Held on first reading.

LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

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HOUSE

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