



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Supplement No. 77\*

FIFTY-EIGHTH LEGISLATURE

Tuesday, June 10, 2003

30th Day - 2003 1st Special

## SENATE

SB 5341-S2  
SB 5908-S  
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SB 6096  
SB 6097

## HOUSE

HB 1288-S  
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HB 1338-S2  
HB 1989-S

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### HOUSE

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**House Bills**

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**HB 1288-S** by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Alexander; by request of Office of Financial Management)

Issuing general obligation bonds.

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

Provides that, for the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriation acts for the 2003-2005 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred twelve million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this act may be sold at such price as the state finance committee shall determine. No bonds authorized in this act may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

Provides that the proceeds from the sale of the bonds authorized in this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as designated.

**-- 2003 REGULAR SESSION --**

Apr 21 CB - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Apr 23 Placed on second reading.  
Apr 27 Referred to Rules 2 Consideration.

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

Jun 4 By resolution, reintroduced and retained in present status.  
Jun 5 Rules Committee relieved of further consideration. Placed on second reading.  
1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 90; nays, 6; absent, 2.

**- 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, 0; absent, 3.

**- IN THE HOUSE -**

Jun 6 Speaker signed.

**- IN THE SENATE -**

Jun 9 President signed.

**- OTHER THAN LEGISLATIVE ACTION -**

Delivered to Governor.

**HB 1336-S2** by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway; by request of Governor Locke)

Concerning watershed planning grants and implementation lead agencies. Revised for 1st Substitute: Concerning watershed planning.

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

Declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.

Finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

Provides that a planning unit may apply for a matching grant for phase four watershed plan implementation following approval under the provisions of RCW 90.82.130. A match of ten percent is required and may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. The match can be provided by the planning unit or by the combined commitments from federal agencies, tribal governments, local governments, special districts, or other local organizations. The phase four grant may be up to one hundred thousand dollars for each planning unit for each of the first three years of implementation. At the end of the three-year period, a two-year extension may be available for up to fifty thousand dollars each year. For planning units that cover more than one WRIA, additional matching funds of up to twenty-five thousand dollars may be available for each additional WRIA per year for the first three years of implementation, and up to twelve thousand five hundred dollars per WRIA per year for each of the fourth and fifth years.

Provides that, within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.

Provides that, by December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

Provides that a county legislative authority may choose to opt out of watershed planning under chapter 90.82 RCW and the public hearing processes under this act if the county's affected territory within a particular management area is: (1) Less than five percent of the total territory within the management area; or

(2) Five percent or more of the total territory within the management area and all other initiating governments within the management area consent.

Provides that, after a plan is adopted in accordance with this act, and if the department participated in the planning process, the plan shall be deemed to satisfy the watershed planning authority of the department with respect

to the components included under the provisions of RCW 90.82.070 through 90.82.100 for the watershed or watersheds included in the plan.

Provides that, once a WRIA plan has been approved under this act for a watershed, the department may develop and adopt modifications to the plan or obligations imposed by the plan only through a form of negotiated rule making that uses the same processes that applied in that watershed for developing the plan.

**-- 2003 REGULAR SESSION --**

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass.  
Minority; do not pass.
- Mar 10 Passed to Rules Committee for second reading.
- Mar 12 Placed on second reading by Rules Committee.
- Mar 18 2nd substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 56; nays, 41; absent, 1.

**- IN THE SENATE -**

- Mar 20 First reading, referred to Natural Resources, Energy & Water.
- Apr 3 NR - Majority; do pass with amendment(s).  
And refer to Ways & Means.
- Apr 4 On motion, referred to Rules.
- Apr 14 Placed on second reading by Rules Committee.
- Apr 15 Committee amendment not adopted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 37; nays, 11; absent, 1.

**- IN THE HOUSE -**

- Apr 27 Referred to Rules 3 Consideration.

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

- Jun 5 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, 73; nays, 24; absent, 1.

**- IN THE SENATE -**

Held on first reading.

**HB 1338-S2** by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway; by request of Governor Locke)

Providing additional certainty for municipal water rights.

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

Declares that beneficial uses of water under a municipal water supply purposes water right may include water withdrawn or diverted under such a right and used for:

(1) Uses that benefit fish and wildlife, water quality, or other instream resources or related habitat values; or

(2) Uses that are needed to implement environmental obligations called for by a watershed plan approved under chapter 90.82 RCW, or a comprehensive watershed plan adopted under RCW 90.54.040(1) after the effective date of this act, a federally approved habitat conservation plan prepared in response to the listing of a species as being endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a hydropower license of the federal energy regulatory commission, or a comprehensive irrigation district management plan.

Provides that, when requested by a municipal water supplier or when processing a change or amendment to the right, the department shall amend the water right documents and related records to ensure that water rights that are for municipal water supply purposes, as defined in RCW 90.03.015, are correctly identified as being for municipal water supply purposes.

Declares an intent that the department establish water use efficiency requirements designed to ensure efficient use of water while maintaining water system financial viability, improving affordability of supplies, and enhancing system reliability.

Provides that the requirements of this provision shall apply to all municipal water suppliers and shall be tailored to be appropriate to system size, forecasted system demand, and system supply characteristics.

Requires that, in approving the water system plan of a public water system, the department shall ensure that water service to be provided by the system under the plan for any new industrial, commercial, or residential use is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area.

Provides that the timelines and interim milestones in a detailed implementation plan required by section 3, chapter . . . (Engrossed Second Substitute House Bill No. 1336), Laws of 2003 must address the planned future use of existing water rights for municipal water supply purposes, as defined in RCW 90.03.015, that are inchoate, including how these rights will be used to meet the projected future needs identified in the watershed plan, and how the use of these rights will be addressed when implementing instream flow strategies identified in the watershed plan.

Directs the department of health to annually compile a list of water system plans and plan updates to be reviewed by the department during the coming year and shall consult with the departments of community, trade, and economic development, ecology, and fish and wildlife to: (1) Identify watersheds where further coordination is needed between water system planning and local watershed planning under chapter 90.82 RCW; and

(2) Develop a work plan for conducting the necessary coordination.

Directs the department to prioritize the expenditure of funds and other resources for programs related to streamflow restoration in watersheds where the exercise of inchoate water rights may have a larger effect on streamflows and other water uses.

Provides that an unperfected surface water right for municipal water supply purposes or a portion thereof held by a municipal water supplier may be changed or transferred in

the same manner as provided by RCW 90.03.380 for any purpose if the designated conditions are met.

Provides that, on a pilot project basis, the department may enter into a watershed agreement with one or more municipal water suppliers in water resource inventory area number one to meet the objectives established in a water resource management program approved or being developed under chapter 90.82 RCW with the consent of the initiating governments of the water resource inventory area. The term of an agreement may not exceed ten years, but the agreement may be renewed or amended upon agreement of the parties.

**-- 2003 REGULAR SESSION --**

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass.  
Minority; do not pass.
- Mar 10 Passed to Rules Committee for second reading.
- Mar 13 Placed on second reading by Rules Committee.
- Mar 18 2nd substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 57; nays, 40; absent, 1.
- IN THE SENATE -**
- Mar 20 First reading, referred to Natural Resources, Energy & Water.
- Apr 4 NR - 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 House Rules Committee for third reading.

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

**- IN THE HOUSE -**

- Jun 4 By resolution, reintroduced and retained in present status.
- Jun 5 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, 83; nays, 14; absent, 1.

**- IN THE SENATE -**

Held on first reading.

**HB 1989-S** by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke)

Changing the learning assistance program. Revised for 1st Substitute: Learning assistance program

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

Makes revisions to the learning assistance program.

Declares that the learning assistance program requirements in chapter 28A.165 RCW are designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and

(2) Guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

Repeals provisions of chapter 28A.165.

**-- 2003 REGULAR SESSION --**

- Mar 5 ED - Majority; 1st substitute bill be substituted, do pass.  
Referred to Appropriations.

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

- Jun 4 By resolution, reintroduced and retained in present status.
- Jun 5 Committee relieved of further consideration. Placed on second reading.  
1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 97; nays, 0; absent, 1.

**- IN THE SENATE -**

- Jun 9 Held on first reading.

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**Senate Bills**

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**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.

(DIGEST AS PASSED LEGISLATURE)

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 monthly basis. 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 82.32.270, 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.

Directs the department of social and health services to prospectively add the medicaid cost of the quality maintenance fee under section 2 of this act to the nursing facility component rate allocation calculated after application of all other provisions of RCW 74.46.521.

**-- 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.

**- OTHER THAN LEGISLATIVE ACTION -**

- Jun 9 Delivered to Governor.

**SB 5908-S** by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley)

Enacting the building Washington's future act.

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

Declares that the state's institutions of higher education are a vital component of the future economic prosperity of our state. In order to ensure that Washington continues to be able to provide a highly qualified work force that can attract businesses and support the economic vitality of the state, it is the intent of this bond act to provide new money for capital projects to help fulfill higher education needs across the state.

Declares an intent that this new source of funding not displace funding levels for the capital and operating budgets of the institutions of higher education. It is instead intended that the new funding will allow the institutions, over the next three biennia, to use the current level of capital funding to provide for many of those urgent preservation, replacement, and maintenance needs that have been deferred. This approach is designed to maintain or improve the current infrastructure of our institutions of higher education, and simultaneously to provide new instruction and research capacity to serve the increasing number of traditional college-aged students and those adults returning to college to update skills or retrain so that they can meet the demands of Washington's changing work force. This new source of funding may also be used for major preservation projects that renovate, replace, or modernize facilities to enhance capacity/access by maintaining or improving the usefulness of existing space for important instruction and research programs.

Provides that, for the purpose of providing needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvement of state buildings and facilities for the institutions of higher

education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven hundred seventy-two million five hundred thousand dollars, or so much thereof as may be required, to finance all or a part of the cost of these projects and all costs incidental thereto. The bonds issued under the authority of this act shall be known as Washington's future bonds.

Provides that the proceeds from the sale of the bonds authorized in this act shall be deposited in the Gardner-Evans higher education construction account created in this act.

Declares that the proceeds shall be used exclusively for the purposes in this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds.

**-- 2003 REGULAR SESSION --**

Apr 17 WM - Majority; 1st substitute bill be substituted, do pass.  
Rules suspended.  
Placed on second reading.  
1st substitute bill substituted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 1; absent, 0.

**- IN THE HOUSE -**

Apr 21 First reading, referred to Capital Budget.  
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, 44; nays, 2; absent, 3.

**- IN THE HOUSE -**

Jun 6 Read first time, rules suspended, and placed on second reading calendar.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 86; nays, 8; absent, 4.

**SB 6084** by Senators Esser, Reardon, Rossi, Prentice, Horn, Fairley and Finkbeiner

Concerning utility relocation costs.

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

Provides that, if an authority has a reimbursement agreement with a private utility provider for the costs associated with the relocation of utility facilities impacted by the construction, alteration, repair, or improvement of a regional transportation system, the authority shall make available substantially similar terms and conditions to all similarly impacted utilities.

Provides that, beginning July 1, 2009, if utility facilities must be relocated as a result of the construction, alteration, repair, or improvement of a rail fixed guideway system as defined in RCW 81.104.015, the costs of the relocation must be included in the costs of the system and paid by the authority. However, any additional costs associated with the upgrade of any existing utility facility that the utility elects to undertake must be paid by the utility.

Provides that a utility may at its option agree to assume the relocation costs.

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

Jun 3 Held on first reading.  
Jun 5 Read first time, rules suspended, and placed on second reading calendar.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 29; nays, 18; absent, 2.

**- IN THE HOUSE -**

Jun 6 Read first time, rules suspended, and placed on second reading calendar.

**SB 6096** by Senator Roach

Authorizing the state auditor to conduct performance audits.

Provides that the state auditor is appropriated one million dollars, or as much thereof as may be necessary, from the general fund, for the 2003-2005 biennium to conduct a limited number of performance audits of any state agency, board, commission, bureau, division, or institution. The state auditor shall report to the legislature the findings of all performance audits conducted under this act.

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

Jun 9 First reading, referred to Government Operations & Elections.

**SB 6097** by Senators Honeyford and Mulliken

Revising the unemployment compensation system.

Revises the unemployment compensation system through creating forty rate classes for determining employer contribution rates.

Repeals RCW 50.20.015, 50.20.045, 50.20.125, and 50.29.045.

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

Jun 9 Held on first reading.

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# LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

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## HOUSE

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