



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
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FIFTY-EIGHTH LEGISLATURE

Monday, February 23, 2004

43rd Day - 2004 Regular

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SJM 8054-S

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**House Bills**

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**HB 2131-S2** by House Committee on Finance (originally sponsored by Representatives Grant, Chandler, Upthegrove, Clements, Cooper, Armstrong and Morris)

Concerning retail sales by the liquor control board. Revised for 2nd Substitute: Modifying liquor control board provisions.

(AS OF HOUSE 2ND READING 2/16/04)

Finds that the liquor control board has developed a retail services business plan to provide greater efficiency of operations and to maximize revenues to the state.

Declares an intent to examine whether expanding liquor store operations to include Sundays would provide additional revenue and provide increased customer convenience.

Directs the board to devise a retail business plan, or amend an existing retail business plan, to implement strategies to improve the efficiency of retail sales operations and maximize revenue-generating opportunities. Strategies to be implemented shall include, but are not limited to: (1) Expanding store operations to include Sunday sales in selected liquor stores until July 1, 2007. Sunday sales are optional for liquor vendors operating agency stores until July 1, 2007;

(2) Implementing a plan of in-store liquor merchandising, including point-of-sale advertising, and product specific point-of-sale promotional displays and carousels, including displays designed and provided by vendors; and

(3) Implementing a plan for in-store liquor merchandising of brands. The plan may not include provisions for selling liquor-related items other than those items previously authorized.

Provides that, by September 1, 2004, the board shall implement a pilot program to expand operations in at least twenty state-operated retail stores to include Sundays.

Requires the board to track gross sales and expenses of the selected stores and compare them to previous years' sales and projected sales and expenses before opening on Sunday. The board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings has reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by December 1, 2006.

Provides that, before the board determines which state liquor stores will be open on Sundays, it shall give: (1) Due consideration to the location of the liquor store with respect to the proximity of places of worship, schools, and public institutions; and

(2) Written notice by certified mail of the proposed Sunday opening, including proposed Sunday opening hours, to places of worship, schools, and public institutions within five hundred feet of the liquor store proposed to be open on Sunday.

Provides that employees in state liquor stores, including agency vendor liquor stores, may not be required to work on their Sabbath if doing so would violate their religious beliefs.

Repeals RCW 66.16.080.

**-- 2004 REGULAR SESSION --**

Feb 10 FIN - Majority; 2nd substitute bill be substituted, do pass. Minority; do not pass. Passed to Rules Committee for second reading.

Feb 12 Placed on second reading by Rules Committee.

Feb 16 2nd substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 51; nays, 45; absent, 2.

**- IN THE SENATE -**

Feb 19 First reading, referred to Ways & Means.

**HB 2488-S** by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood and Dickerson)

Requiring electronic product management.

(AS OF HOUSE 2ND READING 2/16/04)

Finds that advances in technology have created a significant number of obsolete electronic products.

Finds the challenge of providing electronic product management and recycling opportunities for Washington residents can be effectively addressed through partnerships with electronic product manufacturers, retailers, consumers, local governments, waste haulers, recyclers, nonprofit organizations, and other stakeholders.

Provides that the department of ecology shall work with electronic product stakeholders to evaluate existing projects, encourage new pilot projects as needed, and develop recommendations for implementing and financing the collection, recycling, and reuse of electronic products throughout the state.

Directs the department, in consultation with the solid waste advisory committee created under RCW 70.95.040, to conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program.

Requires the department to identify and evaluate existing projects and encourage new pilot projects for electronic product collection, recycling, and reuse that allow for new information to be obtained.

Requires the department to report its findings and recommendations for implementing and financing a state electronic product collection, recycling, and reuse program to the appropriate committees of the legislature by December 15, 2004.

**-- 2004 REGULAR SESSION --**

Feb 6 FEP - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass. Referred to Appropriations.

Feb 9 APP - Executive action taken by committee. APP - Majority; do pass 1st substitute bill proposed by Fisheries, Ecology & Parks. Minority; do not pass.

Feb 10 Passed to Rules Committee for second reading.  
 Feb 14 Placed on second reading by Rules Committee.  
 Feb 16 1st substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 94; nays, 0; absent, 4.

**- IN THE SENATE -**

Feb 19 First reading, referred to Natural Resources, Energy & Water.

**HB 2518-S2** by House Committee on Finance (originally sponsored by Representatives Kirby, Conway, Morris, Holmquist and Hinkle)

Exempting from the state public utility tax the sales of electricity to an electrolytic processing business.

(AS OF HOUSE 2ND READING 2/16/04)

Exempts from the state public utility tax the sales of electricity to an electrolytic processing business.

Expires June 30, 2008.

Provides that a person who receives the benefit of an electrolytic processing business tax exemption shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site.

Provides that, if a person fails to submit an annual report under this act by the due date of the report, the department shall declare the amount of taxes exempted for that year to be immediately due and payable. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

Requires that, by December 1, 2006, and by December 1, 2007, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the tax incentive under this act. The report shall measure the effect of the incentive on job retention for Washington residents, and other factors as the committees select. The report shall also discuss expected trends or changes to electricity prices as they affect the industries that benefit from the incentives.

**-- 2004 REGULAR SESSION --**

Feb 10 FIN - Majority; 2nd substitute bill be substituted, do pass.  
 Passed to Rules Committee for second reading.  
 Feb 14 Placed on second reading by Rules Committee.  
 Feb 16 2nd substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 88; nays, 5; absent, 5.

**- IN THE SENATE -**

Feb 19 First reading, referred to Economic Development.

**HB 2753-S** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville and Rockefeller)

Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. Revised for 1st Substitute: Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. (REVISED FOR ENGROSSED: Studying sustainable forestry certification.)

(AS OF HOUSE 2ND READING 2/16/04)

Finds that trust beneficiaries, rural communities, and sustainable forest harvest management may benefit if wood produced on state-owned forests can be certified as sustainable and marketed as such.

Declares an intent to provide the legislature, the board of natural resources, and other interested parties with the information that will allow for an informed decision on this policy question prior to the final adoption of a sustainable harvest calculation by the board of natural resources.

Requires the department of natural resources to prepare a report for the legislature and the board of natural resources that identifies: (1) What changes to the current state forest management practices, including the provisions of any applicable habitat conservation plans, need to be implemented for state-managed forests to achieve third-party sustainable forestry certification under the standards of major sustainable forestry certification organizations;

(2) What added changes in operational costs would be associated with the changes in management practices necessary to achieve certifications;

(3) Whether and how the preferred sustainable harvest level alternative identified by the board of natural resources would satisfy the state's responsibilities under any applicable habitat conservation plans; and

(4) How the preferred sustainable harvest level calculation identified by the board of natural resources increases or decreases the cost of compliance with the standards of major sustainable forestry certification organizations.

Requires the department of natural resources to complete its report and submit it to the board of natural resources and the appropriate standing committees of the legislature no later than September 14, 2004.

Provides that, for the final sustainable harvest level intended to be adopted by the board during calendar year 2004, the board may identify a single preferred harvest level alternative, and may only adopt a sustainable harvest level after: (1) The report required in this act has been produced and delivered to the appropriate standing committees of the legislature;

(2) A legislative review of the report has been conducted by the appropriate standing committees of the legislature; and

(3) At least one hearing has been held by the board of natural resources on the findings in the report and the results of the legislative review.

**-- 2004 REGULAR SESSION --**

Feb 6 AGNR - Majority; 1st substitute bill be substituted, do pass.  
 Minority; do not pass.  
 Passed to Rules Committee for second reading.  
 Feb 13 Made eligible to be placed on second reading.

Feb 14 Placed on second reading by Rules Committee.

Feb 16 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 55; nays, 41; absent, 2.

**- IN THE SENATE -**

Feb 19 First reading, referred to Natural Resources, Energy & Water.

**HB 2772-S** by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Cody, O'Brien, G. Simpson, Moeller, Dickerson, Chase and Conway)

Controlling genetic information.

(AS OF HOUSE 2ND READING 2/16/04)

Declares that insurers may not require a person to undergo a genetic test or provide the results of a previous genetic test as a condition of offering or renewing insurance. If an insurer has information from a genetic test, the insurer may only use that information if it demonstrates the active presence of disease or illness. An insurer may not use information from a genetic test if the information only demonstrates a propensity for a condition or illness and not the active presence of disease or illness.

Declares that it is unlawful for any person, firm, corporation, or the state of Washington, its political subdivisions, or municipal corporations to require, directly or indirectly, that any employee or prospective employee submit genetic information or submit to screening for genetic information as a condition of employment or continued employment.

Provides that, on the effective date of this act, if an employer possesses genetic information about an employee, it is unlawful for the employer to disclose the genetic information without the employee's informed consent.

Declares that it is unlawful to offer a person an inducement to disclose genetic information; to question a person about his or her genetic information; to solicit submission to, require, or administer a genetic test to any person as a condition of employment; or to collect, solicit, or require disclosure of genetic information from any person as a condition of employment.

**-- 2004 REGULAR SESSION --**

Feb 6 FII - Majority; 1st substitute bill be substituted, do pass. Minority; without recommendation. Passed to Rules Committee for second reading.

Feb 13 Made eligible to be placed on second reading.

Feb 14 Placed on second reading by Rules Committee.

Feb 16 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 94; nays, 0; absent, 4.

**- IN THE SENATE -**

Feb 19 First reading, referred to Financial Services, Insurance & Housing.

**HB 2779-S** by House Committee on Judiciary (originally sponsored by Representatives Clibborn, Lantz, Pettigrew, Darneille and Rockefeller)

Limiting liability for information provided by former or current employers to prospective employers.

(AS OF HOUSE 2ND READING 2/17/04)

Provides that an employer who discloses information about a former or current employee's job performance, conduct, or other work-related information to a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual employer or employment agency, is presumed to be acting in good faith and is immune from civil liability for such disclosure or its consequences.

Declares that, for purposes of this act, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the employer knew that the information was false or misleading.

Requires the employer to retain a written record of the substance of any information disclosed under this act for a minimum of two years from the date of the disclosure. The employee has a right to inspect the written record upon request. The written record shall become part of the employee's personnel file, subject to the provisions of chapter 49.12 RCW. Failure to maintain a written record of the disclosure waives the immunity provided under this act, and civil liability for such disclosure shall be evaluated under common law standards without regard to this act.

**-- 2004 REGULAR SESSION --**

Feb 6 JUDI - Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.

Feb 12 Placed on second reading by Rules Committee.

Feb 17 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 51; nays, 45; absent, 2.

**- IN THE SENATE -**

Feb 19 First reading, referred to Commerce & Trade.

**HB 2807-S** by House Committee on Higher Education (originally sponsored by Representatives Murray, Cox, Quall, McIntire, Kenney and Edwards)

Providing for rules concerning off-campus behavior of higher education students. Revised for 1st Substitute: Providing for regulating off-campus conduct.

(AS OF HOUSE 2ND READING 2/16/04)

Requires each institution of higher education to adopt rules regarding disruptive off-campus conduct of students, including sanctions. Sanctions may include, but are not

limited to, counseling, probation, suspension, or expulsion.

Provides that, as used in this act, "disruptive off-campus conduct" means any conduct that results in a citation or conviction for the violation of laws or ordinances and that:

- (1) Interferes with the institution of higher education's relationship with the surrounding community;
- (2) Harms the reputation of the institution of higher education; or
- (3) Violates the institution of higher education's policies.

Provides that, as used in this act, "off-campus" means neighborhoods, businesses, and public places that are proximate to the campus of the institution.

Requires each institution of higher education to report the substance of the rules adopted under this act to the higher education committees of the legislature by December 1, 2004.

**-- 2004 REGULAR SESSION --**

- Feb 4 HE - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.
- Feb 6 Passed to Rules Committee for second reading.
- Feb 14 Placed on second reading by Rules Committee.
- Feb 16 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 91; nays, 3; absent, 4.

**- IN THE SENATE -**

- Feb 19 First reading, referred to Higher Education.

**HB 2968** by Representatives Linville, Quall and Rockefeller

Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration.

(AS OF HOUSE 2ND READING 2/17/04)

Provides that, in computing tax there may be deducted from the measure of tax amounts received by a nonprofit organization from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof as grants to support salmon restoration purposes. For the purposes of this act, "nonprofit organization" has the same meaning as in RCW 82.04.3651.

**-- 2004 REGULAR SESSION --**

- Jan 26 First reading, referred to Finance.
- Feb 5 FIN - Executive action taken by committee.  
FIN - Majority; do pass.
- Feb 6 Passed to Rules Committee for second reading.
- Feb 13 Made eligible to be placed on second reading.
- Feb 14 Placed on second reading by Rules Committee.
- Feb 17 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0;

absent, 2.

**- IN THE SENATE -**

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

**HB 3080-S** by House Committee on Appropriations (originally sponsored by Representatives Linville and Rockefeller)

Focusing the state budgeting process on outcomes and priorities.

(AS OF HOUSE 2ND READING 2/16/04)

Finds that agency missions, goals, and objectives should focus on statewide results.

Declares an intent to focus the biennial budget on how state agencies produce real results that reflect the goals of statutory programs. Specifically, budget managers and the legislature must have the data to move toward better statewide results that produce the intended public benefit. This data must be supplied in an impartial, quantifiable form, and demonstrate progress toward statewide results. With a renewed focus on achieving true results, state agencies, the office of financial management, and the legislature will be able to prioritize state resources.

Requires the governor to communicate statewide priorities to agencies for use in developing biennial budget recommendations for their agency and shall seek public involvement and input on these priorities.

Requires the office of financial management to regularly conduct reviews of selected programs to analyze whether the objectives and measurements submitted by agencies demonstrate progress toward statewide results.

Requires the office of financial management to consult with the higher education coordinating board, and the state board for community and technical colleges in those reviews that involve institutions of higher education.

Declares that the goal is for all programs to receive at least one review each biennium.

Provides that, when a review under this act or other analysis determines that the agency's objectives demonstrate that the agency is making insufficient progress toward the goals of any particular program or is otherwise underachieving or inefficient, the agency's budget request shall contain proposals to remedy or improve the selected programs.

Provides that, in reviewing agency budget requests in order to prepare the governor's biennial budget request, the office of financial management shall consider the extent to which the agency's programs demonstrate progress toward the statewide priorities, identified by the governor and the legislature, along with any specific review conducted under this act.

Requires the governor's operating budget document or documents to reflect the statewide priorities as required by RCW 43.88.090.

Requires the governor's operating budget document or documents to identify programs that are not addressing the statewide priorities.

Provides that the act shall be null and void if appropriations are not approved.

**-- 2004 REGULAR SESSION --**

- Feb 10 APP - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second

- reading.  
 Feb 13 Made eligible to be placed on second reading.  
 Feb 14 Placed on second reading by Rules Committee.  
 Feb 16 1st substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 93; nays, 0; absent, 5.
- IN THE SENATE -**  
 Feb 19 First reading, referred to Ways & Means.

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**Senate Joint Memorials**

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**SJM 8054-S** by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Winsley, Jacobsen, Kline, Finkbeiner, McCaslin, Regala, Spanel, Roach, Fraser, Benton, B. Sheldon, McAuliffe, Franklin, Prentice, Haugen, Hargrove, Brown, Thibaudeau, T. Sheldon and Oke)

Requesting the Supreme Court to vacate the conviction of Chief Leschi.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requests the Supreme Court to vacate the conviction of Chief Leschi.

**-- 2004 REGULAR SESSION --**

- Feb 19 JUD - Majority; 1st substitute bill be substituted, do pass.