



WASHINGTON STATE LEGISLATURE



Legislative Digest No. 35

SIXTY-FIFTH LEGISLATURE

Wednesday, March 1, 2017

52nd Day - 2017 Regular Session

SENATE	SB 5029-S	SB 5132-S	SB 5145-S	SB 5196-S	SB 5208-S	SB 5233-S	SB 5256-S
	SB 5272-S	SB 5284-S	SB 5294-S	SB 5338-S	SB 5498-S	SB 5789-S	SB 5859
HOUSE	HB 1319-S	HB 1431-S	HB 1514-S	HB 1547-S			

This publication includes digest and history for bills, joint memorials, joint resolutions, concurrent resolutions, initiatives, and substitutes. Engrossed measures may be republished if the amendment makes a substantive change.

Electronic versions of Legislative Digests are available at <http://apps.leg.wa.gov/billinfo/digests.aspx?year=2017>.

House Bills

HB 1319-S by House Committee on Education (originally sponsored by Representatives McCaslin, Bergquist, Holy, Ryu, Stokesbary, Orwall, Volz, Haler, Stambaugh, Griffey, Chandler, Blake, Dent, McDonald, Dolan, Shea, Koster, Short, Pettigrew, Fey, Santos, Smith, Hargrove, Sells, Pollet, Muri, and Young)

Concerning the frequency of evaluations for certain educators.

(AS OF HOUSE 2ND READING 2/27/17)

Requires the following to receive a comprehensive performance evaluation at least every six years: (1) A classroom teacher who holds a valid Washington professional teaching certificate or a valid certification from the national board for professional teaching standards; and

(2) A principal who holds a valid Washington professional administrator certificate and who received a comprehensive performance rating of level 3 or above in his or her previous comprehensive performance evaluation.

-- 2017 REGULAR SESSION --

Jan 30 Public hearing in the House Committee on Education at 1:30 PM.

Feb 9 ED - Majority; 1st substitute bill be substituted, do pass.
Executive action taken in the House Committee on Education at 8:00 AM.

Feb 13 Referred to Rules 2 Review.

Feb 14 Placed on second reading by Rules Committee.

Feb 27 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed; yeas, 96; nays, 0; absent, 0; excused, 2.

HB 1431-S by House Committee on Health Care & Wellness (originally sponsored by Representatives Slatter, Cody, and Jinkins; by request of Department of Health)

Increasing the number of members on the board of osteopathic medicine and surgery.

(AS OF HOUSE 2ND READING 2/27/17)

Changes the composition of the state board of osteopathic medicine and surgery.

Designates the board as a class five group for purposes of per diem compensation.

-- 2017 REGULAR SESSION --

Feb 10 Public hearing in the House Committee on Health Care & Wellness at 10:00 AM.

Feb 17 HCW - Majority; 1st substitute bill be substituted, do pass.
Referred to Rules 2 Review.
Executive action taken in the House Committee on Health Care & Wellness at 10:00 AM.

Feb 24 Rules Committee relieved of further consideration. Placed on second reading.

Feb 27 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed; yeas, 96; nays, 0; absent, 0; excused, 2.

HB 1514-S by House Committee on Judiciary (originally sponsored by Representatives Robinson, McBride, Pellicciotti, Orwall, Macri, Ormsby, Gregerson, Kloba, Pollet, Appleton, Bergquist, Tharinger, Clibborn, Farrell, and Dolan)

Requiring a minimum of eighteen months' notice on closures or conversions of mobile home parks and manufactured housing communities.

(AS OF HOUSE 2ND READING 2/27/17)

Requires a minimum of eighteen months' notice on closures or conversions of mobile home parks and manufactured housing communities.

Requires a tenant who sells a mobile home, manufactured home, or park model within a park to provide the buyer with a copy of any closure notice provided by a landlord at least seven days in advance of the intended sale and transfer.

-- 2017 REGULAR SESSION --

- Feb 1 Public hearing in the House Committee on Judiciary at 8:00 AM.
- Feb 16 JUDI - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Executive action taken in the House Committee on Judiciary at 1:00 PM.
- Feb 17 Referred to Rules 2 Review.
- Feb 24 Rules Committee relieved of further consideration. Placed on second reading.
- Feb 27 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed; yeas, 54; nays, 42; absent, 0; excused, 2.

HB 1547-S by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

Exempting certain hospitals from certificate of need requirements for the addition of psychiatric beds until June 2019.

(AS OF HOUSE 2ND READING 2/27/17)

Prohibits the department of health from requiring a certificate of need for: (1) The addition of beds to alleviate the need to board psychiatric patients in emergency departments; or

(2) The construction, development, or establishment of a psychiatric hospital licensed as an establishment that will have no more than sixteen beds and provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders.

Exempts a hospital licensed under chapter 70.41 RCW from certificate of need requirements for the addition of new psychiatric beds.

Exempts a psychiatric hospital licensed as an establishment licensed under chapter 71.12 RCW from certificate of need requirements for the one-time addition of up to thirty new psychiatric beds, if certain conditions are met.

-- 2017 REGULAR SESSION --

- Jan 31 Public hearing in the House Committee on Health Care & Wellness at 8:00 AM.
- Feb 17 HCW - Majority; 1st substitute bill be substituted, do pass.
Referred to Rules 2 Review.
Executive action taken in the House Committee on Health Care & Wellness at 10:00 AM.
- Feb 24 Rules Committee relieved of further consideration. Placed on second reading.
- Feb 27 1st substitute bill substituted.

Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed; yeas, 97; nays, 0; absent, 0; excused, 1.

Senate Bills

SB 5029-S by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Darneille, Hasegawa, Pearson, Pedersen, Miloscia, Frockt, Rolfes, Carlyle, Chase, Sheldon, Saldaña, Mullet, Conway, Keiser, and Kuderer; by request of Attorney General)

Creating a criminal no-contact order for human trafficking and promoting prostitution-related offenses.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires a defendant who is charged by citation, complaint, or information with an offense involving trafficking or promoting prostitution in the first or second degree, and is not arrested, to appear in court for arraignment or initial appearance in person, no later than fourteen days after the defendant is served with the citation, complaint, or information.

Requires the court, at that appearance, to determine the necessity of imposing or extending a no-contact order and consider the provisions of RCW 9A.18.000 (surrender of weapons or licenses--prohibitions on future possession or licensing) or other conditions of pretrial release according to court rules.

-- 2017 REGULAR SESSION --

- Jan 17 Public hearing in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 16 LAW - Majority; 1st substitute bill be substituted, do pass.
Executive action taken in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 17 Passed to Rules Committee for second reading.

SB 5132-S by Senate Committee on Law & Justice (originally sponsored by Senators Rivers, Conway, Keiser, and Chase; by request of Liquor and Cannabis Board)

Expanding the powers of liquor enforcement officers.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Allows liquor enforcement officers to enforce: (1) Penal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of marijuana, tobacco, and vapor products; and

(2) Penal and traffic laws relating to the impaired driving of patrons in and around locations licensed by the state liquor and cannabis board.

-- 2017 REGULAR SESSION --

- Jan 17 Public hearing in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 16 LAW - Majority; 1st substitute bill be substituted, do pass.

- Executive action taken in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 17 Passed to Rules Committee for second reading.
- Feb 21 Placed on second reading by Rules Committee.
- Feb 28 1st substitute bill substituted. Rules suspended. Placed on Third Reading. Third reading, passed; yeas, 28; nays, 21; absent, 0; excused, 0.

SB 5145-S by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senators Liias and Walsh)

Equalizing differences between the liquor industries regarding certain sales of alcohol carrying a private label.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes beer, wine, and spirits private label items to be produced, distributed, and sold by a person otherwise properly licensed to produce, distribute, or sell beer, wine, and spirits.

Authorizes a craft distillery to produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a certain license or a spirits retail licensee holding a certain license.

Authorizes a spirits retail licensee to sell spirits carrying their own private label or a private label exclusive to a restaurant or private club holding a certain license.

-- 2017 REGULAR SESSION --

- Jan 19 Public hearing in the Senate Committee on Commerce and Labor & Sports at 1:30 PM.
- Feb 15 CLS - Majority; 1st substitute bill be substituted, do pass. Minority; without recommendation. Executive action taken in the Senate Committee on Commerce and Labor & Sports at 5:45 PM.
- Feb 17 Passed to Rules Committee for second reading.

SB 5196-S by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Hobbs, Takko, King, Chase, and Honeyford)

Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the Washington clean air act to exempt cattle feedlots, with operational facilities that have an inventory of at least one thousand cattle in operation between June 1st and October 1st, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season, from requirements for fugitive dust caused by agricultural activity.

Expands the definitions of "agricultural activity" and "good agricultural practices" as they apply to cattle feedlots.

-- 2017 REGULAR SESSION --

- Jan 26 Public hearing in the Senate Committee on Agriculture, Water, and Trade & Economic Development at 8:00 AM.
- Feb 16 AWTE - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass. Executive action taken in the Senate Committee on Agriculture, Water, and Trade & Economic Development at 8:00 AM.
- Feb 17 Passed to Rules Committee for second reading.
- Feb 24 Placed on second reading by Rules Committee.
- Feb 28 1st substitute bill substituted. Rules suspended. Placed on Third Reading. Third reading, passed; yeas, 30; nays, 19; absent, 0; excused, 0.

SB 5208-S by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Takko, Dansel, Brown, Hawkins, Schoesler, Mullet, and Saldaña)

Creating the Washington rural jobs act.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes the Washington rural jobs act.

Requires the department of commerce to: (1) Accept applications for approval as a rural growth fund;

(2) Once the fund is fully funded, issue a tax credit certificate to each investor whose affidavit was included in the application specifying the amount of the investor's credit-eligible capital contribution; and

(3) Provide a copy of the certificates to the office of the insurance commissioner for investors earning tax credits eligible for use against insurance premium or retaliatory taxes and to the department of revenue for investors earning tax credits eligible for use against business and occupation taxes.

Allows a tax credit, for persons that made a credit-eligible capital contribution to a rural growth fund and were issued a tax credit certificate, and allows the credit to be claimed against business and occupation taxes, insurance premium taxes, and retaliatory taxes.

Creates the rural job creation account.

Provides a July 1, 2023, contingent expiration date.

-- 2017 REGULAR SESSION --

- Feb 2 Public hearing in the Senate Committee on Agriculture, Water, and Trade & Economic Development at 8:00 AM.
- Feb 16 AWTE - Majority; 1st substitute bill be substituted, do pass. And refer to Ways & Means. Minority; do not pass. Executive action taken in the Senate Committee on Agriculture, Water, and Trade & Economic Development at 8:00 AM.
- Feb 17 Referred to Ways & Means.

SB 5233-S by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senators Mullet, Palumbo, Rivers, and Wilson)

Concerning the independent contractor status of certain interpreters and translators.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Exempts the following from the definition of "employment" for purposes of the employment security act: Services performed by a language translator or interpreter that are provided for others through an agent or broker.

States that, for the purposes of the state industrial insurance act, an individual performing interpreting or translation services for remuneration under an independent contract with a language service company is not a worker and is not included within the mandatory coverage of the state industrial insurance act.

-- 2017 REGULAR SESSION --

- Feb 8 Public hearing in the Senate Committee on Commerce and Labor & Sports at 1:30 PM.
- Feb 15 CLS - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass. Minority; without recommendation. Executive action taken in the Senate Committee on Commerce and Labor & Sports at 5:45 PM.
- Feb 17 Passed to Rules Committee for second reading.

SB 5256-S by Senate Committee on Law & Justice (originally sponsored by Senators Fain, Pedersen, Zeiger, Palumbo, Miloscia, Frockt, Darneille, Chase, Kuderer, and Hunt)

Concerning sexual assault protection orders.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Addresses the duration and renewal of an ex parte order regarding sexual assault protection.

-- 2017 REGULAR SESSION --

- Feb 15 Public hearing in the Senate Committee on Law & Justice at 8:00 AM.
- Feb 16 LAW - Majority; 1st substitute bill be substituted, do pass. Executive action taken in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 17 Passed to Rules Committee for second reading.
- Feb 21 On motion, referred to Rules Green Sheet for second reading.
- Feb 28 Placed on second reading by Rules Committee.

SB 5272-S by Senate Committee on Law & Justice (originally sponsored by Senators Saldaña, Hasegawa, Ranker, Chase, Hunt, Darneille, Wellman, Keiser, Cleveland, Takko, and Kuderer)

Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Addresses the vacating of prostitution offenses when the person committed the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, promoting commercial sexual abuse of a minor, or trafficking in persons under the trafficking victims protection act.

Requires a motion for vacation of a conviction of the prostitution offenses to be supported by the sworn testimony of the applicant at a hearing before the court.

-- 2017 REGULAR SESSION --

- Feb 14 Public hearing in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 16 LAW - Majority; 1st substitute bill be substituted, do pass. Executive action taken in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 17 Passed to Rules Committee for second reading.
- Feb 21 Placed on second reading by Rules Committee.
- Feb 22 1st substitute bill substituted. Rules suspended. Placed on Third Reading. Third reading, passed; yeas, 49; nays, 0; absent, 0; excused, 0.
- IN THE HOUSE --
- Feb 23 First reading, referred to Public Safety (Not Officially read and referred until adoption of Introduction report).

SB 5284-S by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senators Carlyle and Rivers)

Addressing the regulation of marijuana advertising.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Prohibits a marijuana licensee from targeting youth: (1) In the advertising, promotion, or marketing of marijuana or marijuana products;

(2) By using objects such as toys, inflatables, characters, or cartoon characters or other depiction designed to be appealing to children; or

(3) By using or employing a commercial mascot outside of a marijuana business.

Prohibits marijuana licensees from using outdoor advertising: (1) On signs and placards in arenas, stadiums, shopping malls, fairs, farmers markets, and video game arcades;

(2) On billboards visible from a street, road, highway, right-of-way, or public parking area;

(3) On other advertisements;

(4) On the inside surface of a window facing outward;

or

(5) On or within private or public vehicles, bus stops, taxi stands, transportation waiting areas, train stations, airports, or similar transit-related locations.

Authorizes a local government to adopt rules on the outdoor advertising that are more restrictive than the restrictions imposed in this act.

-- 2017 REGULAR SESSION --

- Feb 13 Public hearing in the Senate Committee on Commerce and Labor & Sports at 1:30 PM.

- Feb 15 CLS - Majority; 1st substitute bill be substituted, do pass. Minority; without recommendation. Executive action taken in the Senate Committee on Commerce and Labor & Sports at 5:45 PM.
- Feb 17 Passed to Rules Committee for second reading.
- Feb 21 Placed on second reading by Rules Committee.

SB 5294-S by Senate Committee on Law & Justice (originally sponsored by Senators Padden and O'Ban)

Concerning the department of corrections.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Addresses the department of corrections' early release error of over thirty-two hundred prisoners during a thirteen-year period.

Authorizes the creation of the office of the corrections ombuds, independent of the department of corrections and the governor's office.

Requires the governor to: (1) Convene an ombuds advisory council with several purposes in support of the ombuds function; and

(2) Ensure that all offices are performing their duties and all personal and professional conflicts of interest are avoided.

Requires the state auditor to designate the nonprofit organization that will contract to operate the office of the corrections ombuds.

Directs the office of financial management to require the performance audit of the state employee whistleblower program to review the legislative report from the senate law and justice committee and other pertinent documentation regarding the department of corrections early release error, with particular focus on the inability of department of corrections employees to use the state employee whistleblower program to address concerns with mismanagement of the department of corrections.

Prohibits the settlement of a cause of action brought by an employee from containing a provision prohibiting the employee from future work in state government.

Requires the joint legislative audit and review committee to conduct an immediate performance audit of the information technology and records departments at the department of corrections.

Creates the joint legislative task force to simplify criminal sentencing to: (1) Review and make recommendations regarding how the sentencing reform act of 1981 can be simplified; and

(2) Limit the review to technical, nonsubstantive changes that will not reduce punishment or risk public safety.

-- 2017 REGULAR SESSION --

- Feb 9 Public hearing in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 16 LAW - Majority; 1st substitute bill be substituted, do pass. And refer to Ways & Means. Executive action taken in the Senate Committee on Law & Justice at 10:00 AM.
- Feb 17 Referred to Ways & Means.

Feb 20 Public hearing in the Senate Committee on Ways & Means at 1:30 PM.

Feb 23 WM - Majority; do pass 1st substitute bill proposed by Law & Justice. Executive action taken in the Senate Committee on Ways & Means at 1:30 PM.

Feb 24 Passed to Rules Committee for second reading.

SB 5338-S by Senate Committee on Transportation (originally sponsored by Senators Wilson and Takko)

Concerning registration enforcement for off-road vehicles and snowmobiles.

(AS OF SENATE 2ND READING 2/27/17)

Requires the department of licensing to notify, by certified mail with return receipt requested, purchasers of warranties of off-road vehicles and snowmobiles that are not properly registered in the state.

States that it is a gross misdemeanor for a resident to knowingly fail to: (1) Apply for a Washington state certificate of title for, or register, an off-road vehicle within fifteen days of receiving or refusing a notice issued by the department of licensing; and

(2) Register a snowmobile within fifteen days of receiving or refusing a notice issued by the department of licensing.

Requires motorsports vehicle manufacturers to report to the department of licensing a listing of motorsports vehicle warranties for off-road vehicles and snowmobiles sold to this state's residents by out-of-state motorsports vehicle dealers in the previous calendar year.

-- 2017 REGULAR SESSION --

- Feb 6 Public hearing in the Senate Committee on Transportation at 3:30 PM.
- Feb 13 TRAN - Majority; 1st substitute bill be substituted, do pass. Executive action taken in the Senate Committee on Transportation at 3:30 PM.
- Feb 14 Passed to Rules Committee for second reading.
- Feb 21 Placed on second reading by Rules Committee.
- Feb 27 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed; yeas, 49; nays, 0; absent, 0; excused, 0.

SB 5498-S by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Darneille, Warnick, Rivers, Billig, Zeiger, Carlyle, Walsh, Mullet, Miloscia, Liias, Keiser, Hunt, and Saldaña; by request of Office of the Governor)

Creating the department of children, youth, and families.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Creates the department of children, youth, and families.

Requires the department to: (1) In partnership with state and local agencies, tribes, and communities, protect children, youth, and family well-being with effective, high quality prevention, intervention, and early education services; and

(2) Create the oversight board for children, youth, and families to monitor and ensure the department's compliance with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

Creates the office of innovation and alignment, within the office of the governor, with the primary duties and focus on developing and presenting a plan for the establishment of the department of children, youth, and families.

Transitions the office of innovation and alignment from the office of the governor to be an office within the department of children, youth, and families.

Requires the office of the family and children's ombuds to provide information on the rights and responsibilities of individuals receiving juvenile justice, juvenile rehabilitation, and child early learning services.

Abolishes the department of early learning and transfers its powers, duties, and functions to the department of children, youth, and families.

Transfers the powers, duties, and functions of the department of social and health services, pertaining to child welfare services under chapters 13.34, 13.36, 13.38, 13.50, 13.60, 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW, to the department of children, youth, and families.

-- 2017 REGULAR SESSION --

- Feb 8 Public hearing in the Senate Committee on Human Services and Mental Health & Housing at 1:30 PM.
- Feb 15 HSMH - Majority; 1st substitute bill be substituted, do pass.
And refer to Ways & Means.
Minority; do not pass.
Executive action taken in the Senate Committee on Human Services and Mental Health & Housing at 1:30 PM.
- Feb 17 Referred to Ways & Means.
- Feb 21 Public hearing in the Senate Committee on Ways & Means at 1:30 PM.

SB 5789-S by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Bailey, Pearson, and Ericksen)

Considering the full hydrologic cycle in the review and approval process of new water uses.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires entities responsible for reviewing and approving permit-exempt water uses and applications for water rights, under Title 90 RCW (water rights; environment) and under the growth management act, to establish processes and procedures to fully account for the ways in which new uses of groundwater offset potential impairment by recharging water into an aquifer.

-- 2017 REGULAR SESSION --

- Feb 16 AWTE - Majority; 1st substitute bill be substituted, do pass.
And refer to Ways & Means.

Minority; do not pass.

Minority; without recommendation.

Public hearing, executive action taken in the Senate Committee on Agriculture, Water, and Trade & Economic Development at 8:00 AM.

Feb 17 Referred to Ways & Means.

Feb 22 Public hearing in the Senate Committee on Ways & Means at 1:30 PM.

SB 5859 by Senators Sheldon and Hasegawa

Requiring notice of a certain requesting party's identity when granted a request for vehicle or vessel owner information.

Requires a disclosing entity, when granting a request for information by an attorney or private investigator, to include the identity of the requesting party when providing notice to a vehicle or vessel owner to whom the information applies.

-- 2017 REGULAR SESSION --

- Feb 28 First reading, referred to Transportation.