



# WASHINGTON STATE LEGISLATURE



## Legislative Digest No. 26

SIXTY-SIXTH LEGISLATURE

Thursday, February 21, 2019

39th Day - 2019 Regular Session

<b>SENATE</b>	SB 5730	SB 5731	SB 5732	SB 5733	SB 5734	SB 5735	SB 5736
	SB 5737	SB 5738	SB 5739	SB 5740	SB 5741	SB 5742	SB 5743
	SB 5744						
<b>HOUSE</b>	HB 1772	HB 1773	HB 1774	HB 1775	HB 1776	HB 1777	HB 1778
	HB 1779	HB 1780	HB 1781	HB 1782	HB 1783	HB 1784	HB 1785

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=2019>.

### House Bills

**HB 1772** by Representatives Macri, Chambers, Fitzgibbon, Irwin, and Shewmake

Concerning motorized foot scooters.

Declares that motorized foot scooters are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW or RCW 82.12.045.

Allows motorized foot scooters to be parked to the same extent as bicycles.

Defines a "scooter share operator" as a person offering shared scooters for hire.

Authorizes a local authority to regulate the operation of motorized foot scooters and shared scooters within its jurisdiction.

Prohibits a local authority, in regulating shared scooters or scooter share programs, from: (1) Imposing unduly restrictive requirements on a scooter share operator; or

(2) Subjecting riders of shared scooters to requirements more restrictive than those for riders of privately owned motorized foot scooters or bicycles.

Prohibits a person under sixteen years of age from operating a motorized foot scooter; and prohibits motorized foot scooters from being operated at a speed greater than fifteen miles per hour.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**HB 1773** by Representatives Dent, Peterson, Griffey, Gregerson, Lovick, Barkis, Corry, Smith, Appleton, and Schmick

Creating a retail sales and use tax exemption for equipment purchased by fire districts in rural counties.

Provides a retail sales and use tax exemption for the purchase of an item of equipment by an eligible fire district located in a rural county.

Requires the department of revenue to publish a list of eligible fire districts that qualify for the tax exemption.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Finance.

**HB 1774** by Representatives Jenkins, Fey, Kilduff, and Ormsby

Concerning extreme risk protection orders.

Revises the extreme risk protection order act regarding: Penalties for previous convictions of certain firearms laws; age of respondent and appointment of a guardian ad litem; proceedings in juvenile court for a respondent under age eighteen; sealing court records of a person under eighteen years old; entering an order into a maintained computer-based system; petitioning an order after regular business hours; a parent's or guardian's obligation to secure firearms; and a court's consideration on whether or not an order is needed includes considering any relevant evidence of a hate crime.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Civil Rights & Judiciary.

**HB 1775** by Representatives Orwall, Frame, Wylie, Gregerson, and Macri

Concerning commercially sexually exploited children.

Requires the office of homeless youth prevention and protection programs to administer funding for two receiving center programs for commercially sexually exploited youth, one west and one east of the Cascade mountains.

Authorizes a law enforcement officer who takes a juvenile into custody and believes that the juvenile may be the victim of sexual exploitation, to transport the youth to an evaluation and treatment facility, including the receiving centers, for an evaluation for behavioral health treatment, including minor-initiated treatment, parent-initiated treatment, or involuntary treatment.

Requires the commercially sexually exploited children statewide coordinating committee to compile data on the

number of juveniles taken into custody under RCW 43.185C.260 (section 7 of this act).

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Human Services & Early Learning.

**HB 1776** by Representatives Cody, Harris, Macri, Caldier, Robinson, Jinkins, Tarleton, Ormsby, and Slatter; by request of Office of Financial Management and Health Care Authority

Making changes to support future operations of the state all payer claims database by transferring the responsibility to the health care authority, partnering with a lead organization with broad data experience, including with self-insured employers, and other changes to improve and ensure successful and sustainable database operations for access to and use of the data to improve health care, providing consumers useful and consistent quality and cost measures, and assess total cost of care in Washington state.

Transfers powers, duties, and functions of the office of financial management provided in chapter 43.371 RCW (statewide health care claims data), except as otherwise specified in this act, to the state health care authority.

Requires the office of financial management to transfer authority and oversight for the database to the state health care authority; and along with the authority, develop a transition plan that sustains operations.

Requires the authority to, in order to assess and improve performance of the database by state agencies, convene a state agency coordinating structure consisting of state agencies with related data needs to ensure effectiveness of the database and the agencies' programs.

Allows the release of certain health care claims data to the state health benefit exchange, upon receipt of a signed data use agreement with the authority and the lead organization.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Innovation, Technology & Economic Development.  
Feb 15 ITED - Majority; 1st substitute bill be substituted, do pass.

**HB 1777** by Representatives Cody, Harris, Macri, Schmick, Vick, Appleton, and Robinson

Exempting certain existing ambulatory surgical facilities from certificate of need.

Provides an exemption to ambulatory surgical facilities, under certain conditions, from certificate of need requirements.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Health Care & Wellness.

**HB 1778** by Representatives Doglio, Entenman, Jinkins, Ormsby, Pollet, Frame, Robinson, and Macri

Funding the working families tax exemption by imposing a surcharge on publicly traded companies providing excessive executive compensation.

Imposes a surcharge, in addition to business and occupation taxes and public utility taxes, as appropriate, on corporations with excessive chief executive officer pay to provide funding for the working families' tax exemption in RCW 82.08.0206 (section 5 of this act).

Creates the working families tax exemption account.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Finance.

**HB 1779** by Representatives Doglio, Dolan, Jinkins, Senn, Pollet, Slatter, and Valdez

Concerning the immigration status of students.

Requires a school district to: (1) Provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs; and

(2) Include information from a student's education record in the student information directory only after the parent or guardian has provided written consent to include the information.

Requires the Washington state school directors' association to develop, and publish on its web site, a model policy and procedure relating to immigrant students.

Requires the office of the superintendent of public instruction to develop, and publish on its web site, a brief presentation, guidance, or other training materials describing certain requirements in this act.

Requires charter schools, and each school that is the subject of a state-tribal education compact, to comply with nondiscrimination laws, including certain requirements in this act.

Prohibits school district officials and employees from collecting information or documents regarding the citizenship or immigration status of students or their family members.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Education.

**HB 1780** by Representatives Maycumber, Chapman, and Eslick

Increasing access to the main street program.

Revises main street program provisions regarding increasing access to the program.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Housing, Community Development & Veterans.

**HB 1781** by Representatives Pollet, Fitzgibbon, Hansen, Doglio, Dolan, and Riccelli

Amending the land use petition act.

Modifies certain statutes in the land use petition act regarding appeals of land use decisions; a petitioner's failure to exhaust an administrative appeal remedy; the thirty-day limitation period for a petition's timely filing and service on each party; and addresses a party of record, which is any person that submits written comments and his or her name and address before the decision was final.

Authorizes a local government to modify, suspend, cancel, or revoke a land use decision without first

appealing that decision, regardless of whether the limitation period for an appeal has expired.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Local Government.

**HB 1782** by Representatives Pollet, Orwall, Wylie, Appleton, Tarleton, Kilduff, and Kraft

Concerning public meetings of advisory groups established by local governments and other agencies.

Requires an advisory board, committee, or other entity established jointly by a public agency and a federal agency to comply with the open public meetings act to the extent that federal law does not preempt compliance.

Includes the following in the definition of "public agency" for purposes of the open public meetings act: An advisory board, committee, or other entity established by a public agency to provide advice or recommendations to the public agency, and to which action has been delegated by a governing body of a public agency, a director of a public agency, or a chief executive of a municipal entity.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to State Government & Tribal Relations.

**HB 1783** by Representatives Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jinkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame, and Robinson

Creating the Washington state office of equity.

Creates the Washington state office of equity within the office of the governor for promoting access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government.

Requires the office to: (1) Facilitate state policy and systems change;

(2) Promote community outreach and engagement;

(3) Collaborate with the office of financial management and the department of enterprise services to develop policies, provide technical assistance, and training for agencies on maintaining a diverse, inclusive, and culturally sensitive workforce; and

(4) Establish, in collaboration with results Washington, and agencies as appropriate: (a) Standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity; (b) agency-specific performance measures; and (c) an online performance dashboard.

Requires agencies to provide appropriate and reasonable assistance to the office, work to meet performance measures, and implement the equity assessment tools.

Allows the office to convene work groups consisting of agency representatives and public stakeholders, to explore strategies to achieve the purpose of this act.

Creates a task force to establish the initial operations plan for the office.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to State Government & Tribal Relations.

Feb 13 SGOV - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass.

Feb 15 Referred to Appropriations.

**HB 1784** by Representatives Kretz, Blake, and Shea

Concerning wildfire prevention.

Requires the department of natural resources to annually establish wildfire fuel breaks across public lands and in coordination with abutting landowners where practicable.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Rural Development, Agriculture, & Natural Resources.

**HB 1785** by Representatives Riccelli, Peterson, Doglio, Stanford, Ormsby, Pollet, and Robinson

Concerning the volatility of crude oil received in the state by rail.

Prohibits a facility from loading or unloading crude oil into or from a rail tank car, or from storing crude oil produced from the Bakken region, unless the oil has a vapor pressure of less than nine pounds per square inch.

Requires a facility that receives crude oil from a railroad car, when providing notice to the department of ecology, to include information on the type and vapor pressure of the crude oil received.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Environment & Energy.

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## Senate Bills

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**SB 5730** by Senators Palumbo and Kuderer

Concerning commercial property assessed clean energy and resilience.

Authorizes the establishment of a commercial property assessed clean energy and resiliency (C-PACER) program that jurisdictions can voluntarily implement to ensure that free and willing owners of agricultural, commercial, and industrial properties and multifamily residential properties with five or more dwelling units can obtain low-cost, long-term financing for qualifying improvements, including energy efficiency, water conservation, renewable energy, and resiliency projects.

Requires the department of commerce to: (1) Establish a voluntary statewide C-PACER program to administer the approval and municipal recordation of qualified improvements; and

(2) Allocate appropriated funds to cover start-up costs associated with the voluntary statewide program over the course of the first twenty-four months following the designation of a contracted program administrator.

Allows the department to establish a loan loss reserve or credit enhancement program to support financing of

qualified projects if the agency determines that a credit enhancement program is appropriate.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Environment,  
Energy & Technology.

**SB 5731** by Senator Short

Concerning petitions for proposed transfer of school district territory.

Authorizes a petitioner to file a written request, with the educational service district superintendent, for a hearing by the regional committee, if the affected school districts agree to dismiss a proposed transfer of territory initiated by citizen petition.

Requires the written request to be filed with the educational service district superintendent within thirty days of receiving notice that the school districts have dismissed the proposed transfer of territory, unless the request is regarding a territory transfer proposal that was dismissed before the effective date of this act.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Early Learning  
& K-12 Education.

**SB 5732** by Senators Van De Wege, Rivers, Cleveland, Wilson, L., Rolfes, Frockt, Warnick, Braun, Conway, Keiser, and Wellman; by request of Department of Health

Concerning foundational public health services.

Addresses the governmental public health system which is comprised of the department of health, state board of health, local health jurisdictions, sovereign tribal nations, and Indian health programs.

Requires funding for the governmental public health system to be restructured to support foundational public health services, and in restructuring, there must be efforts to reinforce current governmental public health system capacity and implement service delivery models allowing for system stabilization and transformation.

Requires funding for foundational public health services to be appropriated to the office of financial management.

Authorizes the office to only allocate funding to the department of health if the department, after consultation with federally recognized Indian tribes, a state association representing local health jurisdictions, and the state board of health, jointly certify to the office that they are in agreement on the distribution and uses of state foundational public health services funding across the public health system.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Health & Long  
Term Care.

**SB 5733** by Senators Saldaña, Nguyen, and Wilson, C.

Protecting tenants in residential tenancies.

Prohibits a landlord from evicting or attempting to evict, or otherwise terminating or attempting to terminate, the tenancy of a tenant without a court order which may be issued by a court only after: (1) The landlord pleads cause with specificity;

(2) The tenant has an opportunity at a show cause hearing to contest the eviction; and

(3) The landlord proves that cause exists.

Prohibits a landlord from terminating a fixed term tenancy before completion of the term.

Modifies the residential landlord-tenant act regarding: The expiration of a lease or rental agreement, where premises are rented for a specified time, but will change to a month to month tenancy; the application of a tenant's payment going towards rent; continued tenancy or relief from forfeiture; protections afforded to tenant or occupant regarding deeds of trust and surviving a sale; statutory damages for a landlord's use of rental agreement that he or she knows contains prohibited provisions; and a landlord's statement for retaining any portion of a deposit.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Financial  
Institutions, Economic Development &  
Trade.

**SB 5734** by Senators Cleveland and Becker

Concerning the hospital safety net assessment.

Allows funds from the hospital safety net assessment program to be used: (1) Instead of payments from the general fund for medicaid hospital services through the 2023-2025 biennium; and

(2) For integrated evidence-based psychiatry residency program slots and family medicine residency program slots.

Changes the July 1, 2021, expiration date to July 1, 2025, for the hospital safety net assessment program.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Ways & Means.

**SB 5735** by Senators Darneille, Nguyen, Hasegawa, and Wilson, C.

Concerning the appropriate age for juvenile court adjudication.

Presumes that a child between the ages of eight and fifteen is incapable of committing crime, however, this presumption may be removed by proof that he or she has sufficient capacity to understand the act or neglect and to know that it was wrong.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Human Services,  
Reentry & Rehabilitation.

Feb 19 HSRR - Majority; 1st substitute bill be  
substituted, do pass.  
Minority; do not pass.

**SB 5736** by Senators Wellman, Wilson, C., Conway, and Kuderer

Concerning the funding allocation for special education programs.

Changes the formula for the determination of the excess cost allocation to school districts.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Ways & Means.

**SB 5737** by Senators Darneille, Conway, and Nguyen  
Concerning confinement in juvenile rehabilitation facilities.

Addresses the transfer and incarceration of youth, to or from the department of children, youth, and families (DCYF), the department of corrections (DOC), or the department of social and health services (DSHS).

Requires the DCYF to review the placement of an individual over age twenty-one who was placed in the custody of the DCYF following an adult court felony conviction for an offense committed before age eighteen to determine whether the individual should be transferred to the custody of the DOC.

Requires an individual in the custody of the DSHS or the DCYF on or before the effective date of this act, under the age of eighteen at the time of the offense and convicted as an adult, to remain in the custody of the DCYF until transfer to the DOC or release.

Requires the DOC and the DCYF to establish a multidisciplinary interagency team to conduct a case-by-case review of the transfer of individuals from the DOC to the DCYF.

Requires the state institute for public policy to assess the impact of this act on community safety, racial disproportionality, and youth rehabilitation and submit a report to the governor and the appropriate legislative committees of the legislature.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Human Services, Reentry & Rehabilitation.

**SB 5738** by Senators Darneille, Nguyen, and Wilson, C.

Requiring postsecondary institutions to plan for the needs of certain students experiencing homelessness.

Requires college districts, in order to plan for the unique needs and challenges of homeless students, to: (1) Develop a capital project plan to renovate or rehabilitate an existing building or facility within the district to provide laundry facilities, storage units, showers, and lockers; and

(2) Attempt to engage with the local housing authority to provide tenant-based rental assistance programs.

Requires the four-year institutions of higher education, in order to plan for the unique needs and challenges of homeless students, to: (1) As part of its submission to the office of financial management and the legislative fiscal committees, develop a capital project plan to renovate or rehabilitate an existing building or facility to provide laundry facilities, storage units, showers, and lockers; and

(2) Attempt to engage with the local housing authority to provide tenant-based rental assistance programs.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Higher Education & Workforce Development.

Feb 19 HEWD - Majority; do pass.  
And refer to Ways & Means.  
Minority; do not pass.

**SB 5739** by Senators Sheldon and Wellman

Promoting affordable housing in unincorporated areas of rural counties within urban growth areas.

Prohibits an application from being approved for a residential targeted area in a rural county on or after January 1, 2025.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Housing Stability & Affordability.

Feb 18 HSA - Majority; do pass.  
And refer to Ways & Means.

Feb 19 Referred to Ways & Means.

**SB 5740** by Senators Mullet, Hobbs, Conway, and Van De Wege

Creating the secure choice retirement savings program.

Establishes the secure choice retirement savings program act.

Creates the secure choice retirement savings program to facilitate voluntary retirement savings by workers by creating an IRA savings program with automatic enrollment and requiring employers that do not offer a retirement plan to make the program available to their employees.

Creates the secure choice retirement savings trust which is an IRA retirement trust or annuity contract.

Removes requirements of the state small business retirement marketplace regarding the myRA retirement program administered by the United States department of the treasury.

Creates the secure choice retirement savings administrative fund.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Financial Institutions, Economic Development & Trade.

Feb 14 FIET - Majority; 1st substitute bill be substituted, do pass.  
And refer to Ways & Means.  
Minority; do not pass.

Feb 15 Referred to Ways & Means.

**SB 5741** by Senators Keiser, Rivers, Frockt, and Mullet; by request of Office of Financial Management and Health Care Authority

Making changes to support future operations of the state all payer claims database by transferring the responsibility to the health care authority, partnering with a lead organization with broad data experience, including with self-insured employers, and other changes to improve and ensure successful and sustainable database operations for access to and use of the data to improve health care, providing consumers useful and consistent quality and cost measures, and assess total cost of care in Washington state.

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Requires the office of financial management to transfer authority and oversight for the database to the state health care authority; and along with the authority, develop a transition plan that sustains operations.

Requires the authority to, in order to assess and improve performance of the database by state agencies, convene a state agency coordinating structure consisting

of state agencies with related data needs to ensure effectiveness of the database and the agencies' programs.

Allows the release of certain health care claims data to the state health benefit exchange, upon receipt of a signed data use agreement with the authority and the lead organization.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Health & Long Term Care.

number of juveniles taken into custody under RCW 43.185C.260 (section 7 of this act).

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Human Services, Reentry & Rehabilitation.

**SB 5742** by Senators Fortunato and Zeiger

Concerning special licenses and permits issued by the liquor and cannabis board.

Revises the definition of "society or organization" to mean as used in a not-for-profit group organized and operated as a fraternal society, order, or association registered under Title 26 U.S.C. Sec. 501(c)(8) or (10) of the internal revenue code.

Creates a special permit designated as a banquet permit that will be issued to a not-for-profit society or a charitable organization to provide spirits, beer, and wine by the individual serving, free of charge, for on-premises consumption at a specified date and place.

Addresses the application by a not-for-profit society or charitable organization for a special permit to consume liquor at a banquet and to purchase liquor for consumption at the banquet.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Labor & Commerce.

**SB 5743** by Senators Fortunato, King, Becker, Hawkins, Sheldon, Padden, Bailey, Brown, Warnick, Honeyford, and Wilson, L.

Concerning vehicle taxation.

Requires revenue collected from state retail sales and use taxes on each new and used retail sale of a vehicle to be deposited in the motor vehicle fund and must only be used for highway purposes.

-- 2019 REGULAR SESSION --

Jan 30 First reading, referred to Transportation.

**SB 5744** by Senators Dhingra, Das, Randall, Darneille, Hasegawa, Saldaña, Keiser, Kuderer, Nguyen, and Wilson, C.

Concerning commercially sexually exploited children.

Requires the office of homeless youth prevention and protection programs to administer funding for two receiving center programs for commercially sexually exploited youth, one west and one east of the Cascade mountains.

Authorizes a law enforcement officer who takes a juvenile into custody and believes that the juvenile may be the victim of sexual exploitation, to transport the youth to an evaluation and treatment facility, including the receiving centers, for an evaluation for behavioral health treatment, including minor-initiated treatment, parent-initiated treatment, or involuntary treatment.

Requires the commercially sexually exploited children statewide coordinating committee to compile data on the